

DOCKET NO. \_\_\_\_\_

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**IN THE SUPREME COURT OF ALABAMA**

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STANLEY LOCHRIDGE, M.D. and CARDIO-THORACIC SURGEONS,  
P.C.  
**Petitioners.**

(FRANCES ANN TOMBRELLA, Individually, and FRANCES ANN  
TOMBRELLA, In her Capacity as Special Administratrix of the Estate  
of RONALD SANTO TOMBRELLA,  
**PLAINTIFF,**

v.

STANLEY LOCHRIDGE, M.D. and CARDIO-THORACIC SURGEONS,  
P.C., et al.,  
**DEFENDANTS)**

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**On Appeal from the Circuit Court of  
Jefferson County, Alabama  
Case No.: CV-2019-903763**

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**DEFENDANTS' RULE 5 PETITION FOR PERMISSIVE APPEAL**

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## **INTRODUCTION**

This Petition and the question certified by the trial court (**Ex. A**) seek: (1) guidance from this Court regarding the jurisdictional ramifications of a *significant* failure to comply with the 120-day time limit for service of the complaint set forth in ARCP 4(b) for a total of 305 days/10 months *without any* request for an extension during those 10 months or *any* showing of good cause for that failure, and (2) confirmation from this Court that the provisions of Rule 4(b) have true meaning and are to be interpreted as written rather than completely open-ended, permitting a delay of almost triple the 120-day limit without any ramification (despite a complete failure to submit evidence showing good cause to excuse the delay or justify an extension). These Defendants respectfully petition this Court to address this important jurisdictional question as it meets the criteria for a Rule 5 appeal and involves a pivotal issue of time limits which should not be rendered meaningless and excused *without any evidence* of good cause or any plausible explanation for the significant delay. The Plaintiff's failure to serve these Defendants for almost a year (10 months) and failure to demonstrate anything even approaching good cause for the delay in

perfecting service should be deemed violative of both the letter and the spirit of ARCP 4(b). The Rule and its stated 120-day time limit would be pointless if deemed wholly discretionary and subject to waiver without any showing of good cause and no matter how long the delay.

### **STATEMENT OF FACTS**

The Plaintiff filed her Complaint on August 22, 2019 naming three Defendants: Dr. Stanley Lochridge, Cardio-Thoracic Surgeons, PC, and St. Vincent's Birmingham. **(Ex. B)** The Plaintiff perfected service on St. Vincent's Birmingham on August 26, 2019. **(Ex. C)** Service on Dr. Lochridge was attempted at his office address on October 8, 2019 and was returned "not served" because the deputy was "unable to make contact" with Dr. Lochridge on that occasion. **(Ex. D)** Other available boxes on the Return of Service section of the Summons ("Moved/not at address," "Insufficient address," or "Not employed at address") were not checked – only the box indicating "unable to make contact" on that date was checked. (*Id.*)

Service on Cardio-Thoracic Surgeons, P.C. was attempted by certified mail (addressed to Dr. Randleman, an agent for and member of the P.C.) at an old address at a Baptist-Montclair Professional Office

Building in use before Baptist-Montclair moved locations; the certified mail card was returned just a few weeks later - on September 6, 2019 - stamped "Return to Sender, No Such Number, Unable to Forward." (**Ex. E**) In Plaintiff's Response to these Defendants' Motion to Dismiss, the Plaintiff admitted her counsel at that time "did not make any further attempts to have [these] Defendants served before she was allowed to withdraw on November 15, 2019." (**Ex. F**, p.5; **Ex. G**)

The case proceeded without these Defendants, who remained unserved; subpoenas were issued and discovery began in the fall of 2019. (**Ex. C**) After Plaintiff's prior counsel was allowed to withdraw, the Plaintiff retained new counsel, who entered an appearance on February 8, 2020. (**Ex. H**) At the time of the appearance of new counsel, more than 120 days had already passed from the date of the filing of the Complaint. There was, however, no request by current counsel at the time of his appearance, or at any time thereafter, seeking additional time to perfect service on these Defendants. (**Ex. C**) Nor was there ever any evidence presented to the trial court demonstrating any problems finding addresses for these Defendants or documenting any further efforts by the Plaintiff to serve these Defendants until after more than

*another* 120 days expired. Specifically, *another* 135 days passed before service was made on these Defendants on June 22, 2020 by: (1) certified mail to Dr. Lochridge at his home address (**Ex. I**), and (2) certified mail to Cardio Thoracic Surgeons PC via Dr. Randleman at his correct office mailing address in Homewood, AL. (**Ex. J**) This was 10 months (**and over 300 days**) from the filing of the Complaint.

It was undisputed at the trial court level that there was never any request for an extension of time by either of the Plaintiff's attorneys prior to perfecting service. It was also undisputed that the Plaintiff made zero attempts at service between the initial failed attempts initiated in August 2019 and the certified mailings delivered without a problem on June 22, 2020. Thus, it is a matter of record that service was not perfected within 120 days from the filing of the complaint, and service was also not perfected within 120 days of the appearance of new counsel in February of 2020.

After service in June of 2020, these Defendants filed a Motion to Dismiss raising the failure to perfect service in compliance with ARCP 4(b). (**Ex. K**) The Plaintiff filed a Response which gave only a two-sentence "explanation" for the 10-month delay in service, stating:

“Plaintiff’s counsel did not make any further attempts to have defendants served before she was allowed to withdraw on November 15, 2019. Further, the Secretary of State’s records indicated as late as May 2020 that said defendant Cardio-Thoracic’s registered agent’s address had not changed.” (**Ex. F**, p. 5) No affidavit or admissible evidence of any kind was submitted to establish what the Secretary of State’s records showed in May of 2020 regarding the name or address of Cardio-Thoracic’s service agent or explaining why Dr. Randleman’s publicly available office address in Homewood, AL (where service was ultimately made without a problem) was not found for 10 months. No explanation whatsoever was given regarding the delay in serving Dr. Lochridge.

Thus, the only response from the Plaintiff before the trial court ruled on this issue was merely two sentences in a pleading without any submission of admissible evidence to demonstrate good cause.<sup>1</sup> It is undisputed/admitted that: (1) Plaintiff’s prior counsel inexplicably never made any further attempt to serve either of these Defendants after the address for the P.C.’s registered agent was shown on a return

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<sup>1</sup> Those two sentences, even if proven, could not substantiate good cause for the failure to exercise diligence in serving these Defendants.

certified mailing to be an incorrect address, (2) there was no explanation given as to how or why an incorrect address for the PC affected the Plaintiff's ability to serve Dr. Lochridge or prevented additional attempts to serve him either at his office address (already known from the prior attempt by a deputy at that address) or at his home where service was ultimately obtained, and (3) Plaintiff's current counsel, by the time he appeared in the case, had in his possession the correct office address for Dr. Lochridge, knew that the address for the P.C.'s registered agent used previously was incorrect, yet failed to offer any explanation of why he did not attempt service again on either Defendant for more than *another* 120 days *or* why it took an additional four months to find the correct address for the P.C.'s agent *or* why there was no request for an extension under Rule 4(b). (**Ex. F**)

The trial court held a hearing on these Defendants' Motion to Dismiss on July 23, 2020. (**Ex. C**, p. 13) No further explanation for the delay in service was offered by Plaintiff's counsel at the hearing. No evidence was submitted, nor was there any showing of good cause. (See Order, **Ex. A**) ("Plaintiff's current counsel's response to this Court was that the initial attempts at service by prior counsel failed due to

unavailability and notice of a “wrong address.”) A year following the hearing, on July 21, 2021, the trial court entered a one-sentence Order denying these Defendants’ Motion to Dismiss. (**Ex. L**) On August 9, 2021, these Defendants filed a Motion to Reconsider or, Alternatively, to Certify Question for Interlocutory Appeal. (**Ex. M**) On August 11, 2021, the trial court entered an Order granting these Defendants’ Motion to Certify Question for Interlocutory Appeal, specifying the Order was entered within 28 days of the July 21, 2021 Order and therefore within time frame provided for in ARAP 5. (**Ex. A**) These Defendants are likewise complying with ARAP 5 by timely filing this Petition for Permission to Appeal within 14 days of the trial court’s August 11, 2021 Order certifying this issue for permissive appeal.

### **CONTROLLING QUESTION OF LAW CERTIFIED**

The trial court’s August 11, 2021 Order certifies the following controlling question of law for interlocutory appeal:

**Question: Does this Court have jurisdiction over Defendants Stanley Lockridge, MD and Cardio-Thoracic Surgeons, PC, both of whom were not served for ten months after the filing of the Complaint (August 22, 2019 filing/June 22, 2020 service), considering the 120-day service/showing of good cause requirements of ARCP 4(b) and in light of**

**the undisputed facts that: (1) service on both Defendants was attempted at the outset of the case with no follow up or subsequent attempts at service until June of 2020; (2) there was no requested extension of time to perfect service by Plaintiff's prior or present counsel; (3) current counsel for the Plaintiff appeared on February 8, 2020 but service was not attempted again or perfected until June 22, 2020 – an additional 19 weeks/135 days from current counsel's entry of appearance in the case; and (4) in response to these Defendants' Motion to Dismiss, Plaintiff's current counsel's response to this Court was that the initial attempts at service by prior counsel failed due to unavailability and notice of a "wrong address." (Doc. 168)**

**(Ex. A)** The trial court also set out in its Order the reasons this issue is appropriate for a Rule 5 appeal:

After consideration of the arguments of the parties, the Court agrees that the Defendants' Motion to Dismiss and the July 21, 2021 Order denying that motion involve a controlling question of law regarding whether this Court has jurisdiction over these Defendants. In this Court's opinion, there is a "substantial ground for difference of opinion" regarding this question. An immediate appeal from the July 21, 2021 Order has the potential to "materially advance the ultimate termination of this litigation" and "avoid protracted and expensive litigation," because a ruling by the Alabama Supreme Court in favor of these two Defendants on the issue of *in personum* jurisdiction would terminate the litigation against them and avoid protracted and expensive litigation for and against those parties, including the hiring of experts and a lengthy trial, when this Court potentially lacks



jurisdiction over them and, if so, any judgment against them would be void.

*(Id.)*

### **WHY A SUBSTANTIAL BASIS EXISTS FOR A DIFFERENCE OF OPINION ON THESE QUESTIONS**

Rule 4, ALA. R. CIV. P., was amended effective August 1, 2004 to read as follows:

**(b) Time Limit for Service.** If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative, after at least fourteen (14) days' notice to the plaintiff, may dismiss the action without prejudice as to the defendant upon whom service was not made or direct that service be effected within a specified time; **provided, however, that if the plaintiff shows good cause for the failure to serve the defendant, the court shall extend the time for service for an appropriate period.**

(emphasis added) There is sparse law since 2004 analyzing Rule 4(b) and the phrase within that rule that a trial court shall extend the time for service “if the plaintiff shows good cause for the failure to serve the defendant [within the specified 120 days].” Analysis of that language is especially scant in the context of an extreme factual situation analogous to the case at hand.

It is, however, undeniable that the Plaintiff here failed to present any evidence of “good cause” at any time that would even arguably

justify this inordinate delay, to the prejudice of these Defendants. There is precedent for interlocutory review of this issue as this Court has previously demonstrated a willingness to accept a Rule 5 appeal involving a similar issue of delay/timing of service under Rule 4. *See e.g., ENT Assoc. of Alabama, P.A. v. Hoke*, 223 So. 3d 209 (Ala. 2016).

The Plaintiff's position appears to be that 120 days is not a strict requirement and can just be retroactively waived by the trial court at any time and without any showing of good cause. However, the handful of cases issued by Alabama courts since 2004 interpreting Rule 4(b) support a finding that a trial court's discretion in such an extreme situation is not boundless and does not allow service beyond 120 days with no previous request for or directive by the trial court extending the time for service and absolutely no showing of good cause for that delay.

First, as a foundation, it has been repeatedly and very recently recognized by Alabama courts that the failure to properly perfect service in accordance with the provisions of Rule 4 is tantamount to a failure to obtain personal jurisdiction:

The failure to effect proper service under Rule 4, Ala. R. Civ. P., deprives the trial court of personal jurisdiction over the defendant and renders [its] judgments void.... "When the service of process on the defendant is contested as being

improper or invalid, the burden of proof is on the plaintiff to prove that service of process was performed correctly and legally.”... “Strict compliance regarding service of process is required.”

*Slocumb Law Firm, LLC v. Greenberger*, 2020 WL 4251659 (Ala. July 24, 2020). *See also*, *Campbell v. Taylor*, 159 So. 3d 4, 10-11 (Ala. 2014).

While Alabama courts since 2004 have held the wording of Rule 4(b) is to be given its plain meaning, they have also provided context for the Rule’s wording and made clear the interrelatedness between a trial court’s prerogative to dismiss a case and an expectation of a showing of “good cause” in order to avoid dismissal. For example, in *Moffett v. Stevenson*, 909 So. 2d 824 (Ala. Civ. App. 2005) – the first Alabama case construing ARCP 4(b) following the 2004 amendment – the Court specifically instructed “the obvious purpose of the [14 day] notice requirement [prior to a trial court’s dismissal of an action for lack of timely service] is **to give the plaintiff an opportunity to show ‘good cause’ to extend the time for service.**” *Id.* at 826-827. The two phrases contained in Rule 4(b) and separated by a semicolon -- one phrase which discusses the trial court’s discretion to dismiss a case only after giving notice to a plaintiff and the second phrase which contains an instruction to trial courts that they shall extend the time for service

for “an appropriate period” if the plaintiff shows good cause for the failure to timely serve the defendant -- have been specifically held to be interrelated and intended to be interpreted and applied together as opposed to separately in a vacuum. In other words, Alabama courts have explained the reason ARCP 4(b) was amended to require a 14-day notice to plaintiff before dismissal was to allow a showing of “good cause” in order to avoid dismissal.

This notion that the 120-day requirement has real meaning, and is not just a toothless guideline which can be disregarded by any plaintiff or trial court for any reason at any time, or even for no reason at all, is further supported by the language used and logic employed by this Court in *Precise v. Edwards*, 60 So. 3d 228 (Ala. 2010). While *Precise* was ultimately decided on the related but slightly different question of whether the plaintiff had a bona fide intent to have the defendants immediately served, the situation presented and the reasoning of the Court are instructive here.

First, the *Precise* Court affirmed the dismissal of the case based on the plaintiff’s failure to effectuate service until 131 days after filing the complaint based, in part, on its emphasis of the “**unexplained** delay”

by the plaintiffs and the “**unrebutted**” state of the evidence before the trial court. *Id.* 232, 233. Second, the *Precise* Court emphasized the difference in failure to serve cases in which the plaintiff had done all that he or she was required to do to effectuate service as opposed to cases in which the clerk’s office failed to perform some task which was its responsibility, finding that an affirmance of dismissal of the case was appropriate as the failure leading to untimely service in *Precise* was a failure on the part of the plaintiffs. *Id.* at 233 (“[T]he plaintiffs here were tardy in performing the steps required of them to effectuate service. This unexplained failure to perform tasks required to effectuate service... ‘viewed objectively’ evidences a lack of the required intent to have the defendants immediately served.”) Thirdly, footnote 4 to the *Precise* opinion, contained in Justice Cobb’s dissent, contains the following statement:

**Absent a showing of good cause** for the delay, **Rule 4(b), Ala. R. Civ. P., requires service on a defendant within 120 days** of the filing of the complaint.

*Id.* at 236, n. 4. While this footnote is not in the main body of the opinion, it provides additional context for the continuous, demonstrable interpretation by Alabama jurists since the 2004 amendment to Rule

4(b) that there is an interrelatedness between the Rule's 120-day "requirement" and a showing of good cause necessary to extend that time limit.

The 2014 case of *Voltz v. Dyess*, 148 So. 3d 425 (Ala. 2014) offers additional support for the principle that the time limit in Rule 4(b) is not viewed by this Court as a matter of complete discretion that can be expanded without limit for any reason or no reason at all. To the contrary, the *Voltz* Court specifically instructed that it is not *every* case, or *any* case, but rather only "*in some instances*" that service of process may be allowed beyond 120 days, specifically linking the notion of extending the 120 days with a showing of good cause:

We have noted that "Rule 4(b), Ala. R. Civ. P., allows for service of process up to and *in some instances beyond*, 120 days after the plaintiff filed its complaint." ...We agree with the Court of Civil appeals that "the obvious purpose of the notice requirement of Rule 4(b) is to give the plaintiff an opportunity to show 'good cause' to extend the time for service."

*Voltz*, 148 So. 3d at 427.

Also of note is the 2014 case of *Guthrie v. AL Dept. of Labor*, 160 So. 3d 815 (Ala. Civ. App. 2014), wherein the Court affirmed a trial court's dismissal based on a failure to timely perfect service. The

*Guthrie* Court, quoting this Court, specifically noted the insufficiency of plaintiff's statements in an unverified post-judgment motion regarding efforts she claimed to have made to contact the clerk and others, holding those statements *did not* qualify as evidence on the issue of service: "[S]tatements or arguments made in a motion do **not** constitute evidence." *Id.* at 819 (citing *Fountain Fin. Inc. v. Hines*, 788 So. 2d 155, 159 (Ala. 2000)). This tenet of law confirms that the brief and vague statements and/or arguments made by the Plaintiff here, attempting to blame the 10-month lack of service on a faulty online address, do not constitute evidence. Without any sworn testimony or admissible evidence to support those statements (which even if supported would have no bearing on the failure to serve Dr. Lochridge), there is no basis upon which any court could conclude there was good cause shown for this lengthy delay. To the contrary, as acknowledged by the trial court in its Order certifying this appeal, the only explanation given by Plaintiff's current counsel "was that the initial attempts at service by prior counsel failed due to unavailability and notice of a wrong address." (Ex. A, p. 3)

Rule 4 sets a specific time limit of 120 days after the filing of the complaint for a plaintiff to perfect service and contains two phrases which Alabama courts have specifically held are to be read together. As demonstrated by the authority cited above, the first provision of the Rule provides if service is not made upon a defendant within 120 days, a court may dismiss the action without prejudice but *only* after giving 14 days' notice to the plaintiff (which this Court has held is intended to provide a 14-day opportunity for the Plaintiff to make a showing of good cause). It logically follows that without *any* such showing, the 120-day time limit should be enforced. Second, the Rule contains a modifying phrase stating "provided, however, that if the plaintiff shows good cause for the failure to serve the defendant, the court shall extend the time for service for an appropriate period." ALA. R. CIV. P. 4(b). Notably, none of the scenarios specifically outlined in these two phrases occurred in the case at hand. There was no order dismissing the case after giving the Plaintiff 14-days to show good cause; there was no directive by the trial court that service be effected within a specified time; there was no showing of good cause by the Plaintiff to justify a retroactive extension of the time limit or explain the 10-month delay. The use of the word



“may” in the first phrase cannot and should not be divorced from the second phrase to allow unreviewable discretion to ignore a significant and unexplained delay without any good cause.

The trial court’s denial of the Defendants’ Motion to Dismiss is not in line with the spirit and letter of Rule 4 or the aforementioned cases construing it. The trial court’s certifying Order acknowledges that there is substantial basis for disagreement as to that holding. These Defendants urge this Court to consider the substantial basis for difference of opinion created by this language of Rule 4(b) as compared to the case law and opinions of this Court discussing the meaning and purpose of the Rule.

**AN IMMEDIATE APPEAL WOULD MATERIALLY ADVANCE  
TERMINATION OF THE LITIGATION AND AVOID  
PROTRACTED AND EXPENSIVE LITIGATION**

As stated in the trial court’s Order (**Ex. A**) and these Defendants’ Motion to Certify Question for Interlocutory Appeal (**Ex. M**), an immediate appeal from the trial court’s July 21, 2021 Order has the potential to materially advance the termination of this litigation because a ruling by this Court in favor of these Defendants would terminate the litigation against them as parties over whom the trial

court lacks personal jurisdiction. An immediate appeal also has potential to avoid protracted and expensive litigation because a ruling in favor of these Defendants would prevent lengthy and expensive litigation affecting all parties involved, including the hiring of experts against and in support of these Defendants and a lengthy trial, not to mention the compounding of discovery, time, and expense necessarily required by the presence of two Defendants over whom the trial court lacks jurisdiction. Considerations of judicial economy also weigh in favor of resolving the issue of improper/untimely service at this juncture before years of litigation against two additional Defendants is permitted to necessarily expand the time and resources required of not only the parties but of the trial court.

### **CONCLUSION**

These Defendants respectfully urge this Court to clarify that failure to comply with Rule 4(b) is not properly excused when there is no showing of “good cause,” no request to extend the time for service, and an undisputable failure on the part of the Plaintiff to follow through on her responsibility to perfect service in a timely manner or

demonstrate why more time was needed and show good cause for such an extreme delay of over 300 days.

/s/ Sybil V. Newton

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME  
LIMITATIONS, TYPEFACE REQUIREMENTS, AND TYPE  
STYLE REQUIREMENTS**

1. Defendants'/Petitioners' Rule 5 Petition for Permissive Appeal complies with the type-volume limitation of Ala. R. App. P. 5(e) and 32(b)(4) because it contains 3,942 words, excluding the parts of the motion exempted by Ala. R. App. P. 32(b)(5)(c), as counted by the word count function of Microsoft Word processing software.
2. Defendants'/Petitioners' Rule 5 Petition for Permissive Appeal complies with the typeface requirement of Ala. R. App. P. 32 because it has been prepared in a proportionately spaced typeface using the Microsoft Word word-processing software in 14-point Century Schoolbook font.

/s/ Sybil V. Newton

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## **CERTIFICATE OF SERVICE**

I do hereby certify that on August 25, 2021, I electronically filed the foregoing with the Court and also certify that a copy of the Petition/Brief was served via e-mail to the following:

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*/s/ Sybil V. Newton*

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# EXHIBIT A



## AlaFile E-Notice

01-CV-2019-903763.00

Judge: CAROLE C. SMITHERMAN

To: NEWTON GEORGE EDWIN II  
gen@starneslaw.com

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# NOTICE OF COURT ACTION

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FRANCES TOMBRELLA V. STANLEY LOCHRIDGE ET AL  
01-CV-2019-903763.00

A court action was entered in the above case on 8/11/2021 3:16:31 PM

ORDER

[Filer: ]

Disposition: GRANTED  
Judge: CCS

Notice Date: 8/11/2021 3:16:31 PM

JACQUELINE ANDERSON SMITH  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
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**Does this Court have jurisdiction over Defendants Stanley Lockridge, MD and Cardio-Thoracic Surgeons, PC, both of whom were not served for ten months after the filing of the Complaint (August 22, 2019 filing/June 22, 2020 service), considering the 120-day service/showing of good cause requirements of ARCP 4(b) and in light of the undisputed facts that: (1) service on both Defendants was attempted at the outset of the case with no follow up or subsequent attempts at service until June of 2020; (2) there was no requested extension of time to perfect service by Plaintiff's prior or present counsel; (3) current counsel for the Plaintiff appeared**



**on February 8, 2020 but service was not attempted again or perfected until June 22, 2020 – an additional 19 weeks/135 days from current counsel’s entry of appearance in the case; and (4) in response to these Defendants’ Motion to Dismiss, Plaintiff’s current counsel’s response to this Court was that the initial attempts at service by prior counsel failed due to unavailability and notice of a “wrong address.” (Doc. 168)**

The Court has reviewed the filings by the parties and the law, and for the reasons set forth below, the Court finds that the Motion to Certify is due to be **GRANTED**.

Ala. R. App. P. 5(a) states that a party may request permission to appeal from an interlocutory order in certain circumstances. Specifically, Rule 5(a) states as follows:

A petition to appeal from an interlocutory order must contain a certification by the trial judge that, in the judge's opinion, the interlocutory order involves a controlling question of law as to which there is substantial ground for difference of opinion, that an immediate appeal from the order would materially advance the ultimate termination of the litigation, and that the appeal would avoid protracted and expensive litigation. The trial judge must include in the certification a statement of the controlling question of law.

Ala. R. App. P. 5(a). After consideration of the arguments of the parties, the Court agrees that the Defendants’ Motion to Dismiss and the July 21, 2021 Order denying that motion involve a controlling question of law regarding whether this Court has jurisdiction over these Defendants. In this Court’s opinion, there is a "substantial ground for difference of opinion" regarding this question. An immediate appeal from the July 21, 2021 Order has the potential to “materially advance the ultimate termination of this litigation" and "avoid protracted and expensive litigation," because a ruling by the Alabama Supreme Court in favor of these two Defendants on the issue of in personum jurisdiction would terminate the litigation against them and avoid protracted and

expensive litigation for and against those parties, including the hiring of experts and a lengthy trial, when this Court potentially lacks jurisdiction over them and, if so, any judgment against them would be void.

Accordingly, the Court hereby **GRANTS** Defendants' Motion to Certify Question for Interlocutory Appeal under Ala. R. App. P. 5(a) and **CERTIFIES** that its July 21, 2021 Order involves a controlling question of law as to which there is substantial ground for difference of opinion; that an immediate appeal from this Order would materially advance the ultimate termination of the litigation; and that the appeal would avoid protracted and expensive litigation. This Order is being entered on or before August 18, 2021 and therefore within the 28-day time frame provided for in ARAP 5.

In accordance with Ala. R. App. P. 5(a), the Court further CERTIFIES the following statement of the controlling question of law:

**Does this Court have jurisdiction over Defendants Stanley Lockridge, MD and Cardio-Thoracic Surgeons, PC, both of whom were not served for ten months after the filing of the Complaint (August 22, 2019 filing/June 22, 2020 service), considering the 120-day service/showing of good cause requirements of ARCP 4(b) and in light of the undisputed facts that: (1) service on both Defendants was attempted at the outset of the case with no follow up or subsequent attempts at service until June of 2020; (2) there was no requested extension of time to perfect service by Plaintiff's prior or present counsel; (3) current counsel for the Plaintiff appeared on February 8, 2020 but service was not attempted again or perfected until June 22, 2020 – an additional 19 weeks/135 days from current counsel's entry of appearance in the case; and (4) in response to these Defendants' Motion to Dismiss, Plaintiff's current counsel's response to this Court was that the initial attempts at service by prior counsel failed due to unavailability and notice of a "wrong address." (Doc. 168).**

**DONE this 11<sup>th</sup> day of August, 2021.**

**/s/ CAROLE C. SMITHERMAN**  
**CIRCUIT JUDGE**

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# EXHIBIT B

IN THE CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA

FRANCES ANN TOMBRELLA, Individually,  
and FRANCES ANN TOMBRELLA, IN HER  
CAPACITY AS SPECIAL  
ADMINISTRATRIX OF THE ESTATE OF  
RONALD SANTO TOMBRELLA,  
Deceased,

Plaintiff,

v.

Civil Action No. ---

STANLEY LOCHRIDGE, M.D., an  
individual, RADIO-THORACIC SURGEONS,  
P.C., ST. VINCENT'S BIRMINGHAM.  
WALTER B. MEHERG, R.N., LAURA S.  
WAGNER, R.N. JORDAN P. BERTRAM, R.N.  
and Fictitious Defendants A - E. being those  
persons or entities, whether nurses, technicians,  
or other employees or independent contractors  
of Defendant St. Vincent's Birmingham, whose  
identities are presently unknown to Plaintiff,  
who were under a duty to provide healthcare  
for Ronald Santo Tombrella, deceased,  
and/or to promptly alert or provide accurate  
information to appropriate medical personnel,  
including Decedent's physicians on or about  
8/16/2017,

Defendants.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff, FRANCES ANN TOMBRELLA, individually and in her capacity as special  
administratrix of the Estate of RONALD SANTO TOMBRELLA, DECEASED, through her  
undersigned counsel, states and alleges:

I. JURISDICTION AND VENUE

1. This claim is brought pursuant to this Court's original jurisdiction over all cases and

matters, such jurisdiction granted by Ala. Code § 12-11-30.

2. The amount in controversy exceeds Ten Thousand Dollars (\$10,000.00).
3. Venue is proper under Ala. Code § 6-5-546, in that Plaintiffs causes of action accrued in Jefferson County, Alabama.

## II. PARTIES

4. Plaintiff **Frances Ann Tombrella** is the surviving spouse of **Ronald Santo Tombrella**, deceased (hereinafter referred to as the "Decedent"). Plaintiff is also the Court appointed Personal Representative of the Estate of **Ronald Santo Tombrella**, deceased. Plaintiff is a resident of Jefferson County, Alabama.
5. Defendant **Stanley Lochridge, M.D.**, at all times relative hereto practiced medicine in Jefferson County, Alabama, holding himself out as a cardiovascular surgeon. At all times relevant hereto, Defendant Lochridge provided medical treatment to the Decedent in the course and scope of his employment with Separate Defendant, Cardio-Vascular Surgeons, P.C. . Defendant Lochridge provided inpatient medical services to Decedent on August 16, 2017 and August 17, 2017.
6. Defendant **Cardio-Thoracic Surgeons, P.C.**, (hereinafter referred to as Defendant Surgeons) is a domestic professional corporation doing business at 2871 Action Road, Suite 100, Birmingham, Alabama 35243. Defendant Cardio-Thoracic Surgeons, P. C., is a licensed provider of medical care and provided inpatient medical services to Decedent on August 16, 2017 and August 17, 2017.
7. Defendant **St. Vincent's Birmingham**, (hereinafter referred to as Defendant St. Vincent's) is a domestic non-profit corporation doing business at 810 St. Vincent's

Drive, Birmingham, Alabama 35205. Defendant St. Vincent's is a licensed provider of medical care and provided inpatient medical services to Decedent on August 16, 2017 and August 17, 2017.

8. Defendant Walter B. Meherg, R.N., (hereinafter Defendant Meherg), at all times relative hereto was a registered nurse in Jefferson County, Alabama. At all times relevant hereto, Defendant Meherg provided nursing treatment to the Decedent in the course and scope of his employment with Separate Defendant, St. Vincent's. Defendant Meherg provided inpatient nursing services to Decedent on August 16, 2017 and August 17, 2017.
9. Defendant Laura S. Wagner, R.N., (hereinafter Defendant Wagner), at all times relative hereto was a registered nurse in Jefferson County, Alabama. At all times relevant hereto, Defendant Wagner provided nursing treatment to the Decedent in the course and scope of her employment with Separate Defendant, St. Vincent's. Defendant Wagner provided inpatient nursing services to Decedent on August 16, 2017 and August 17, 2017.
10. Defendant Jordan P. Bertram, R.N., (hereinafter Defendant Bertram), at all times relative hereto was a registered nurse in Jefferson County, Alabama. At all times relevant hereto, Defendant Bertram provided nursing treatment to the Decedent in the course and scope of her employment with Separate Defendant, St. Vincent's. Defendant Bertram provided inpatient nursing services to Decedent on August 16, 2017 and August 17, 2017.
11. Fictitious Defendants A - E are those persons or entities, whether nurses,

technicians or other employees or independent contractors of Defendant St.

Vincent's, whose entities are presently unknown to Plaintiff's counsel, who were under a duty to provide healthcare to Decedent, to promptly alert, or provide accurate information to appropriate medical personnel, including Decedent's physicians.

12. Through the course of providing said medical care to patients, including the Decedent, Defendant St. Vincent's, did employ physicians, nurses and other personnel in their efforts to provide such care to the Decedent. All such individuals did act in the course and scope of their employment with Defendant St. Vincent's when providing care to the Decedent. Defendant St. Vincent's is vicariously liable for the negligent acts of its employees.

### **III. FACTS COMMON TO ALL COUNTS**

13. At all times and in all ways relevant to this action, Defendant Lochridge, Defendant Surgeons, Defendant St. Vincent's, Defendant Meherg, Defendant Wagner, Defendant Bertram, and Fictitious Defendants A - E were healthcare providers as defined under the Alabama Medical Liability Act, the Alabama Medical Liability Act of 1987 and the Alabama Medical Liability Act of 1996 (hereinafter collectively referred to as "AMLA").
14. At all times and in all ways relevant to this action, and particularly on or about August 16, 2017 and August 17, 2017, Decedent was a patient, as contemplated under AMLA of Defendant Lochridge, Defendant Surgeons, Defendant St. Vincent's, Defendant Meherg, Defendant Wagner, Defendant Bertram, and Fictitious Defendants A - E, who were all under a duty to provide him with health care meeting



the applicable standard of care under AMLA.

15. On or about August 16, 2017, Decedent presented to Defendant St. Vincent's for the purpose of coronary artery bypass grafting with four distal anastomoses placed in the left anterior descending, saphenous vein graft to the ramus and obtuse marginal sequentially, saphenous vein graft to the posterior descending coronary artery, endoscopic vein harvest, left thigh, and reconstruction of the pericardium. The actual surgery was performed by John Richardson, M.D. The operative report authored by Dr. Richardson indicates the Decedent tolerated the procedure well with no known complications.
16. On August 16, 2017, at approximately 8:00 p.m., the Decedent was assessed and found to have no signs or symptoms of distress. Chest tube drainage is noted to have changed from sero-sanguin to dark red in color. At 8:49 p.m., it is noted the chest tube drainage was increasing every hour. Dr. Richardson was updated with respect to lab values, arterial blood gases, and chest tube output. Dr. Richardson ordered platelets, fresh frozen plasma and coagulation tests. It is noted in the medical record that future calls will be directed to Defendant Lochridge.
17. On August 16, 2017 at 11:40 p.m., Defendant Meherg contacted Defendant Lochridge, who was on call for Dr. Richardson, regarding the Decedent's declining condition. At this time, Decedent's oxygen saturation was low, bleeding continued, and levophed was "maxxed". Defendant Lochridge ordered to be called back with lab results. There is no indication in the record that nursing staff alerted Defendant Lochridge regarding the Decedent's increasing CVP, or that Defendant Lochridge

ever inquired regarding Decedent's CVP.

18. On August 17, 2017, at approximately 12:34 a.m., Defendant Lochridge was contacted by Defendant Meherg with respect to Decedent's lab values and arterial blood gases. At this time, the Decedent's pO<sub>2</sub> was critically low. Defendant Lochridge ordered two units of packed red blood cells and fresh frozen plasma STAT. At 1:30 a.m., packed red blood cells and fresh frozen plasma were infusing. However, Decedent's chest tube output was still greater than 200cc combined.
19. On August 17, 2017, from 2:00 a.m. until 2:52 a.m. there are no notes in the medical record other than vital signs and medication administrations. During this time frame, Decedent's blood pressure remained dangerously low, and there is no record of any communication between nursing staff and Defendant Lochridge.
20. On August 17, 2017, at 2:53 a.m., Defendant Meherg attempted to contact Defendant Lochridge with respect to Decedent's arterial blood gases. A second attempt was made at 3:11 a.m. A third attempt was made at 3:27 a.m. A fourth attempt was made at 3:30 a.m. The Decedent's pO<sub>2</sub> remained critically low, and his central venous pressure was increased. At that time, Defendant Lochridge ordered STAT intubation, with original post operative settings. The CRNA was paged by nursing staff for the purpose of intubation, which was successful.
21. At 3:33 a.m., Defendant Lochridge was paged again by Defendant Meherg who requested orders for Precedex, NovoSeven, Epinephrine or Vasopressin.
22. At 3:45 a.m., while Defendant Bertram was on the phone with Defendant Lochridge, Decedent suffered an episode of bradycardia, with dropping blood pressure and lost

pulse. Initial rhythm of pulseless electrical activity was noted. A code was called immediately and chest compressions started. At 3:55 a.m., Decedent's pulse returned, with a heart rate of 86 beats per minute.

23. At 3:56 a.m., Decedent was administered NovoSeven per Defendant Lochridge's orders. There are discrepancies in the medical record regarding the exact amount of NovoSeven that was administered. At 4:10 a.m., Defendant Lochridge arrived at Decedent's bedside and ordered epinephrine, 20 units Cryoprecipitate, platelets, packed red blood cells and labs. Cryoprecipitate is indicated when an individual's Fibrinogen is less than or equal to 100 mg/dl. At the time Defendant Lochridge ordered Cryoprecipitate, Decedent's current Fibrinogen level was unknown. Despite the warning signs, there is no evidence in the medical record that Defendant Lochridge ever considered cardiac tamponade as a potential cause of the Decedent's declining condition.
24. At 5:10 a.m., Defendant Mehrg spoke with Dr. Richardson regarding the Decedent's condition. Dr. Richardson indicated he would take the Decedent back to the operating room. At 5:55 a.m., Dr. Richardson personally assessed the Decedent and immediately proceeded to the operating room.
25. The second operative report authored by Dr. Richardson indicated the Decedent had cardiac tamponade, a large amount of clot anterior to the heart, and especially posteriorly over the vein graft that was repaired during the original surgery. No active bleeding was found.
26. Following the second surgery on August 17, 2017, the Decedent developed Acute

Respiratory Distress Syndrome, and became hemodynamically unstable. Despite numerous efforts, the Decedent's condition continued to decline. The Decedent passed away on August 25, 2017, at 2:55 p.m ..

**COUNT I. NEGLIGENCE OF DR. LOCHRIDGE**

27. Plaintiff hereby incorporates by reference Paragraphs 1-26 as though fully set forth herein.
28. Defendant Lochridge was negligent in his care and treatment of Decedent, and such negligence constitutes actionable medical negligence in that Defendant Lochridge:
  - (a) departed from the acceptable and applicable standard of care in the proper pursuit and performance of his treatment and care of Ronald Santo Tombrella;
  - (b) generally departed from the applicable standard of care, skill and diligence that other similarly situated health care providers in the same general line of practice would have exercised in a similar case; and
  - (c) generally failed to act in accordance with the applicable standard of care required for medical care and treatment in Birmingham, Jefferson County, Alabama, or in a similar locality.
29. At all times relative hereto, Defendant Lochridge was an employee and/or agent of Cardio- Thoracic Surgeons, P.C., and was acting within the course and scope of that employment and/or agency.
30. Defendant Lochridge's negligence includes but is not limited to the following:
  - (a) in failing to properly examine the decedent;

- (b) in failing to conduct a full and accurate assessment;
  - (c) in failing to timely and properly diagnose his symptoms;
  - (d) in failing to timely manage and/or treat his symptoms;
  - (e) in failing to adopt a care plan that befit the symptoms and care required to save Decedent's life;
  - (f) in failing to timely provide emergent care as needed and required;
  - (g) in failing to recognize the signs and symptoms of cardiac tamponade; and
  - (h) in failing to recognize the dangers involved with the administration of certain blood products and/or coagulants.
31. Had Defendant Lochridge provided Decedent with adequate, timely and proper care, he would have received life saving treatment.

**COUNT II: VICARIOUS LIABILITY OF CARDIO-THORACIC SURGEONS, P.c.**

32. Plaintiffre-alleges and incorporates by reference all of the allegations contained in Paragraphs 1-31 as though fully set forth herein.
33. Defendant Surgeons, is vicariously liable for the acts, omissions and negligence of Defendant Lochridge, in that Defendant Lochridge was an employee and/or agent of Defendant Surgeons, and was acting within the course and scope of his employment and/or agency.

**COUNT III: NEGLIGENCE OF CARDIO-THORACIC SURGEONS, P.C.**

34. Plaintiff re-alleges and incorporates by reference all of the allegations contained in Paragraphs 1-33 as though fully set forth herein.

35. Defendant Surgeons was negligent in its care and treatment of Decedent, and such negligence constitutes actionable medical negligence in that Defendant Surgeons:
- (a) departed from the acceptable and applicable standard of care in the proper pursuit and performance of its treatment and care of Decedent;
  - (b) generally departed from the applicable standard of care, skill and diligence that other similarly situated health care providers in the same general line of practice would have exercised in a similar case; and
  - (c) generally failed to act in accordance with the applicable standard of care required for medical care and treatment in Birmingham, Jefferson County, Alabama, or in a similar locality.
36. Defendant Surgeon's negligence in its treatment and care of Decedent includes, but is not limited to the following:
- (a) in failing to provide adequate and appropriate diagnostic treatment to Decedent;
  - (b) in failing to timely adopt a plan of care that would address Decedent's clinical signs and symptoms;
  - (c) in failing to failing to provide sound medical treatment that, had they done so, would have ultimately saved Decedent's life;
  - (k) in failing to properly train and/or supervise Defendant Lochridge; and
  - (l) otherwise failed to provide emergent care that could have saved the life of Decedent.
37. Had Defendant Surgeons timely provided Decedent with adequate and proper care,

he could have received life saving treatment.

**COUNT IV: NEGLIGENCE OF ST. VINCENT'S BIRMINGHAM**

38. Plaintiffre-alleges and incorporates by reference all of the allegations contained in Paragraphs 1-37 as though fully set forth herein.
39. Defendant St. Vincent's was negligent in its care and treatment of Decedent, and such negligence constitutes actionable medical negligence in that Defendant Surgeons:
  - (a) departed from the acceptable and applicable standard of care in the proper pursuit and performance of its treatment and care of Decedent;
  - (b) generally departed from the applicable standard of care, skill and diligence that other similarly situated health care providers in the same general line of practice would have exercised in a similar case; and
  - (c) generally failed to act in accordance with the applicable standard of care required for medical care and treatment in Birmingham, Jefferson County, Alabama, or in a similar locality. Defendant St. Vincent's's negligence in its treatment and care of Decedent includes, but is not limited to the following:
    - (a) in failing to provide adequate and appropriate diagnostic treatment to Decedent;
    - (b) in failing to timely adopt a plan of care that would address Decedent's

clinical signs and symptoms;

- (c) in failing to failing to provide sound medical treatment that, had they done so, would have ultimately saved Decedent's life;
- (k) in failing to properly train and/or supervise Defendants Meherg, Wagner, and Bertram; and
- (l) otherwise failed to provide emergent care that could have saved the life of Decedent.

41. Had Defendant St. Vincent's timely provided Decedent with adequate and proper care, he would have received life saving treatment.

COUNT V. NEGLIGENCE OF WALTER B. MEHERG, R.N., LAURA S. WAGNER, R.N., AND JORDAN P. BERTRAM, R.N.

42. Plaintiff re-alleges and incorporates by reference all of the allegations contained in Paragraphs 1-41 as though fully set forth herein.
43. Defendants Meherg, Wagner and Bertram were negligent in their care and treatment of Decedent, and such negligence constitutes actionable medical negligence in that Defendants Meherg, Wagner and Bertram:
- (a) departed from the acceptable and applicable standard of care in the proper pursuit and performance of their treatment and care of Decedent;
  - (b) generally departed from the applicable standard of care, skill and diligence that other similarly situated health care providers in the same general line of practice would have exercised in a similar case; and



- (c) generally failed to act in accordance with the applicable standard of care required for medical care and treatment in Birmingham, Jefferson County, Alabama, or in a similar locality.
44. Defendants Meherg, Wagner and Bertram, as healthcare providers employed by Defendant St. Vincent, were negligent in the following particulars:
- (a) in failing to fully and/or accurately inform appropriate medical personnel, including Decedent's physicians, regarding the existence or seriousness of Decedent's condition;
  - (b) in failing to invoke the chain of command such that medical providers who were able to adopt a plan of care would be timely notified;
  - (c) in failing to properly communicate accurate and timely information concerning Decedent's medical condition such that he, and his treating physicians, could make an informed decision as to his course of medical treatment.
45. Had Defendants Meherg, Wagner and Bertram timely provided Decedent with adequate and proper care, his symptoms would have been recognized, and he would have received life saving treatment.

**COUNT VI: VICARIOUS LIABILITY OF ST. VINCENT'S BIRMINGHAM  
FOR THE NEGLIGENCE OF DEFENDANTS WALTER B. MEHERG, R.N.,  
LAURA S. WAGNER, R.N., AND JORDAN P. BERTRAM, R.N.**

46. Plaintiff re-alleges and incorporates by reference all of the allegations contained in

Paragraphs 1-45 as though fully set forth herein.

47. Defendant St. Vincent's, is vicariously liable for the acts, omissions and negligence of Defendants Meherg, Wagner, and Bertram, in that Defendants Meherg, Wagner, and Bertram were employees and/or agents of Defendant St. Vincent's, and were acting within the course and scope of their employment and/or agency.

**COUNT VII: NEGLIGENCE OF FICTITIOUS DEFENDANTS A - E**

48. Plaintiff re-alleges and incorporates by reference all of the allegations contained in Paragraphs 1-47 as though fully set forth herein.

49. Fictitious Defendants A - E were negligent in their care and treatment of Decedent, and such negligence constitutes actionable medical negligence in that Defendants A - E:

- (a) departed from the acceptable and applicable standard of care in the proper pursuit and performance of their treatment and care of Decedent;
- (b) generally departed from the applicable standard of care, skill and diligence that other similarly situated health care providers in the same general line of practice would have exercised in a similar case; and
- (c) generally failed to act in accordance with the applicable standard of care required for medical care and treatment in Birmingham, Jefferson County, Alabama, or in a similar locality.

50. Fictitious defendants A - E, as healthcare providers employed by Defendant St. Vincent, were negligent in the following particulars:

and/or accurately inform appropriate medical personnel, including Decedent's physicians, regarding the existence or seriousness of Decedent's condition;

- (b) in failing to invoke the chain of command such that medical providers who were able to adopt a plan of care would be timely notified;
- (c) in failing to properly communicate accurate and timely information concerning Decedent's medical condition such that he, and his treating physicians, could make an informed decision as to his course of medical treatment.

51. Had Fictitious Defendants A - E timely provided Decedent with adequate and proper care, his symptoms would have been recognized, and he would have received life saving treatment.

**COUNT VIII: VICARIOUS LIABILITY OF ST. VINCENT'S BIRMINGHAM  
FOR THE NEGLIGENCE OF FICTITIOUS DEFENDANTS A - E**

52. Plaintiff re-alleges and incorporates by reference all of the allegations contained in Paragraphs 1-51 as though fully set forth herein.

53. Defendant St. Vincent's, is vicariously liable for the acts, omissions and negligence of Defendants A - E, in that Defendants A - E were employees and/or agents of Defendant St. Vincent's, and were acting within the course and scope of their employment and/or agency.

DAMAGES

D  
A  
M

54. As a direct and proximate result of the negligence on behalf of Defendant Lochridge, Defendant Surgeons, Defendant St. Vincent's, Defendant Meherg, Defendant Wagner, Defendant Bertram, and Fictitious Defendants A - E, Plaintiff has sustained the following damages:

- (a) Pain, suffering and emotional stress, present, past and future;
- (b) Compensatory damages for medical and other pecuniary expenses incurred;
- (c) Economic loss and loss of support already incurred and in the future;
- (d) The death of Decedent;
- (f) Punitive damages for the gross negligence and willful and wanton <sup>101</sup>  
A<sub>1</sub> conduct of the Defendant Lochridge;
- (g) Conscious pain and suffering prior to Decedent's death;
- (h) Loss of value of life and loss of enjoyment of life damages;
- (i) Funeral expenses;
- U) Grief, suffering and emotional distress suffered by his wife and family;  
and
- (k) Any and all other damages allowed under state or federal law.

**WHEREFORE**, Plaintiff demands judgment against Defendant Lochridge, Defendant Surgeons, Defendant St. Vincent's, Defendant Meherg, Defendant Wagner, Defendant Bertram, and Fictitious Defendants A - E, as follows:

1. Compensatory damages including, but not limited to pain, suffering, mental anguish, inconvenience, and loss of capacity to enjoy life, in the maximum amount allowed by statute; Punitive damages pursuant to the Alabama Wrongful Death Statute:
2. Compensatory damages for economic damages including, but not limited to, medical and other pecuniary expenses incurred; and
3. Such other and further amounts as the Court may deem just and proper.

Respectfully submitted,

/s/ Mary-Ellen Bates \_\_\_\_\_

Mary-Ellen Bates

BATES, HETZEL, PC

2413 1<sup>st</sup> Avenue North

Birmingham, Alabama 35203

Telephone: (205) 241-8010

PLAINTIFF DEMANDS A TRIAL BY STRUCK JURY.

**SERVICE ON DEFENDANTS**

Stanley Lochridge, M.D.  
2871 Action Road, Suite 100  
Birmingham, AL 35243

Cardio-Thoracic Surgeons, P.C.  
Carlton Duane Randleman, Jr., Registered Agent  
880 Montclair Road, Ste. 270  
Birmingham, AL 35213

St. Vincent's Birmingham  
Corporation Service Company, Inc., Registered Agent  
641 South Lawrence Street  
Montgomery, AL 36104

Walter B. Meherg, R.N.  
St. Vincent's Birmingham  
Corporation Service Company, Inc., Registered Agent  
641 South Lawrence Street  
Montgomery, AL 36104

Laura S. Wagner, R.N.  
St. Vincent's Birmingham  
Corporation Service Company, Inc., Registered Agent  
641 South Lawrence Street  
Montgomery, AL 36104

Jordan P. Bertram, R.N.  
St. Vincent's Birmingham  
Corporation Service Company, Inc., Registered Agent  
641 South Lawrence Street  
Montgomery, AL 36104

# EXHIBIT C

# ALABAMA SJIS CASE DETAIL



**PREPARED FOR: CATHERINE ARGO**

County: **01** Case Number: **CV-2019-903763.00** Court Action:  
 Style: **FRANCES TOMBRELLA V. STANLEY LOCHRIDGE ET AL**

Real Time

## Case

### Case Information

County: 01-JEFFERSON - Case Number: CV-2019-903763.00 Judge: CCS:CAROLE C. SMITHERMAN  
 Style: FRANCES TOMBRELLA V. STANLEY LOCHRIDGE ET AL  
 Filed: 08/22/2019 Case Status: ACTIVE Case Type: MEDICAL MALPRACTICE  
 Trial Type: JURY Track: Appellate Case: 0  
 No of Plaintiffs: 1 No of Defendants: 6

### Damages

Damage Amt: 0.00 Punitive Damages: 0.00 General Damages: 0.00  
 No Damages: Compensatory Damages: 0.00  
 Pay To: Payment Frequency: Cost Paid By:

### Court Action

Court Action Code: Court Action Desc: Court Action Date:  
 Num of Trial days: 0 Num of Liens: 0 Judgment For:  
 Disposition Date of Appeal: Disposition Judge: : Disposition Type:  
 Revised Judgement Date: Minstral: Appeal Date:  
 Date Trial Began but No Verdict (TBNV1):  
 Date Trial Began but No Verdict (TBNV2):

### Comments

Comment 1:  
 Comment 2:

### Appeal Information

Appeal Date: Appeal Case Number: Appeal Court:  
 Appeal Status: Origin Of Appeal:  
 Appeal To: Appeal To Desc: LowerCourt Appeal Date:  
 Disposition Date Of Appeal: Disposition Type Of Appeal:

### Administrative Information

Transfer to Admin Doc Date: Transfer Reason: Transfer Desc:  
 Number of Subpoenas: Last Update: 08/04/2021 Updated By: AJA

## Settings

### Settings

	Date:	Que:	Time:	Description:
1	06/10/2022	001	08:45 AM	CALL - CALL DOCKET
2	06/13/2022	001	09:00 AM	JTRL - TRIAL - JURY

## Parties

**Party 1 - Plaintiff INDIVIDUAL - TOMBRELLA FRANCES**



### Party Information

Party:	C001-Plaintiff	Name:	TOMBRELLA FRANCES	Type:	I-INDIVIDUAL
Index:	D LOCHRIDGE ST	Alt Name:		Hardship:	No
Address 1:	100 WIMBERLY DRIVE			JID:	CCS
Address 2:				Phone:	(205) 000-0000
City:	TRUSSVILLE	State:	AL	Zip:	35173-0000
SSN:	XXX-XX-X999	DOB:		Country:	US
				Sex:	F
				Race:	

### Court Action

Court Action:		Court Action Date:	
Amount of Judgement:	\$0.00	Court Action For:	
Cost Against Party:	\$0.00	Other Cost:	\$0.00
Comment:		Date Satisfied:	
Warrant Action Date:		Arrest Date:	
		Status Description:	

### Service Information

Issued:	Issued Type:	Reissue:	Reissue Type:
Return:	Return Type:	Return:	Return Type:
Served:	Service Type	Service On:	Served By:
Answer:	Answer Type:	Notice of No Service:	Notice of No Answer:

### Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	PIA001		PIAZZA ANTHONY JOSEPH	PIAZZALAW@YAHOO.COM	(205) 617-6211

## Party 2 - Defendant INDIVIDUAL - LOCHRIDGE STANLEY

### Party Information

Party:	D001-Defendant	Name:	LOCHRIDGE STANLEY	Type:	I-INDIVIDUAL
Index:	C TOMBRELLA FR	Alt Name:		Hardship:	No
Address 1:	1880 WHITEMORE ROAD			JID:	CCS
Address 2:				Phone:	(205) 000-0000
City:	JASPER	State:	AL	Zip:	35503-0000
SSN:	XXX-XX-X999	DOB:		Country:	US
				Sex:	F
				Race:	

### Court Action

Court Action:		Court Action Date:	
Amount of Judgement:	\$0.00	Court Action For:	
Cost Against Party:	\$0.00	Other Cost:	\$0.00
Comment:		Date Satisfied:	
Warrant Action Date:		Arrest Date:	
		Status Description:	

### Service Information

Issued:	08/23/2019	Issued Type:	S-SHERIFF	Reissue:	06/16/2020	Reissue Type:	C-CERTIFIED MAIL
Return:	10/08/2019	Return Type:	O-OTHER	Return:		Return Type:	
Served:	06/22/2020	Service Type:	C-CERTIFIED MAIL	Service On:		Served By:	

### Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	NEW049		NEWTON GEORGE EDWIN II	GNEWTON@STARNESLAW.COM	(205) 868-6000

## Party 3 - Defendant BUSINESS - CARDIO-THORACIC SURGEONS, PC

### Party Information

Party:	D002-Defendant	Name:	CARDIO-THORACIC SURGEONS, PC	Type:	B-BUSINESS
Index:	C TOMBRELLA FR	Alt Name:		Hardship:	No JID: CCS
Address 1:	CARLTON RANDLEMAN, R. AGT	Phone:	(205) 000-0000		
Address 2:	C/O 2704 20TH ST SO. #100				
City:	BIRMINGHAM	State:	AL	Zip:	35209-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	Race:

### Court Action

Court Action:		Court Action Date:	
Amount of Judgement:	\$0.00	Court Action For:	Exemptions:
Cost Against Party:	\$0.00	Other Cost:	\$0.00
Comment:		Date Satisfied:	
Warrant Action Date:		Arrest Date:	
		Status Description:	

### Service Information

Issued:	08/23/2019	Issued Type:	C-CERTIFIED MAIL	Reissue:	06/16/2020	Reissue Type:	C-CERTIFIED MAIL
Return:	09/04/2019	Return Type:	F-RETURNED NOT FOUND	Return:		Return Type:	
Served:	06/22/2020	Service Type:	C-CERTIFIED MAIL	Service On:		Served By:	
Answer:	08/04/2021	Answer Type:	D-COMPLAINT DENIED	Notice of No Service:		Notice of No Answer:	

### Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	NEW049		NEWTON GEORGE EDWIN II	GNEWTON@STARNESLAW.COM	(205) 868-6000

## Party 4 - Defendant BUSINESS - ST. VINCENT'S BIRMINGHAM

### Party Information

Party:	D003-Defendant	Name:	ST. VINCENT'S BIRMINGHAM	Type:	B-BUSINESS
Index:	C TOMBRELLA FR	Alt Name:		Hardship:	No JID: CCS
Address 1:	C/O CORPORATION SERVICE	Phone:	(205) 000-0000		
Address 2:	641 SOUTH LAWRENCE ST				
City:	MONTGOMERY	State:	AL	Zip:	36104-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	Race:

### Court Action

Court Action:		Court Action Date:
Amount of Judgement: \$0.00	Court Action For:	Exemptions:
Cost Against Party: \$0.00	Other Cost: \$0.00	Date Satisfied:
Comment:		Arrest Date:
Warrant Action Date:	Warrant Action Status:	Status Description:

### Service Information

Issued: 08/23/2019	Issued Type: C-CERTIFIED MAIL	Reissue:	Reissue Type:
Return:	Return Type:	Return:	Return Type:
Served: 08/26/2019	Service Type C-CERTIFIED MAIL	Service On:	Served By:
Answer: 09/25/2019	Answer Type: D-COMPLAINT DENIED	Notice of No Service:	Notice of No Answer:

### Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	SHE055		SHEGON PATRICK MICHAEL	PMS@RUSHTONSTAKELY.COM	(334) 206-3288
Attorney 2	DEE007		DEES STEPHEN PARRISH	SDEES@RSJG.COM	(334) 206-3100

## Party 5 - Defendant *INDIVIDUAL - MEHERG WALTER*

### Party Information

Party:	D004-Defendant	Name:	MEHERG WALTER	Type:	I-INDIVIDUAL
Index:	C TOMBRELLA FR	Alt Name:		Hardship:	No JID: CCS
Address 1:	CORP. SERV. CO.			Phone:	(205) 000-0000
Address 2:	641 SOUTH LAWRENCE STREET				
City:	MONTGOMERY	State:	AL	Zip:	36104-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	M Race:

### Court Action

Court Action:		Court Action Date:
Amount of Judgement: \$0.00	Court Action For:	Exemptions:
Cost Against Party: \$0.00	Other Cost: \$0.00	Date Satisfied:
Comment:		Arrest Date:
Warrant Action Date:	Warrant Action Status:	Status Description:

### Service Information

Issued: 08/23/2019	Issued Type: C-CERTIFIED MAIL	Reissue:	Reissue Type:
Return:	Return Type:	Return:	Return Type:
Served: 08/28/2019	Service Type C-CERTIFIED MAIL	Service On:	Served By:
Answer: 09/25/2019	Answer Type: D-COMPLAINT DENIED	Notice of No Service:	Notice of No Answer:

### Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	SHE055		SHEGON PATRICK MICHAEL	PMS@RUSHTONSTAKELY.COM	(334) 206-3288
Attorney 2	DEE007		DEES STEPHEN PARRISH	SDEES@RSJG.COM	(334) 206-3100

## Party 6 - Defendant *INDIVIDUAL - WAGNER LAURA*

### Party Information

Party:	D005-Defendant	Name:	WAGNER LAURA	Type:	I-INDIVIDUAL
Index:	C TOMBRELLA FR	Alt Name:		Hardship:	No JID: CCS
Address 1:	CORP. SERV. CO.	Phone:	(205) 000-0000		
Address 2:	641 SOUTH LAWRENCE ST				
City:	MONTGOMERY	State:	AL	Zip:	36104-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	F Race:

### Court Action

Court Action:		Court Action Date:	
Amount of Judgement:	\$0.00	Court Action For:	Exemptions:
Cost Against Party:	\$0.00	Other Cost:	\$0.00
Comment:		Date Satisfied:	
Warrant Action Date:		Arrest Date:	
		Status Description:	

### Service Information

Issued:	08/23/2019	Issued Type:	C-CERTIFIED MAIL	Reissue:		Reissue Type:	
Return:		Return Type:		Return:		Return Type:	
Served:	08/27/2019	Service Type:	C-CERTIFIED MAIL	Service On:		Served By:	
Answer:	09/25/2019	Answer Type:	D-COMPLAINT DENIED	Notice of No Service:		Notice of No Answer:	

### Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	SHE055		SHEGON PATRICK MICHAEL	PMS@RUSHTONSTAKELY.COM	(334) 206-3288
Attorney 2	DEE007		DEES STEPHEN PARRISH	SDEES@RSJG.COM	(334) 206-3100

## Party 7 - Defendant *INDIVIDUAL - BERTRAM JORDAN*

### Party Information

Party:	D006-Defendant	Name:	BERTRAM JORDAN	Type:	I-INDIVIDUAL
Index:	C TOMBRELLA FR	Alt Name:		Hardship:	No JID: CCS
Address 1:	CORP. SERV. CO.	Phone:	(205) 000-0000		
Address 2:	641 SOUTH LAWRENCE STREET				
City:	MONTGOMERY	State:	AL	Zip:	36104-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	M Race:

## Court Action

Court Action:

Amount of Judgement: \$0.00

Cost Against Party: \$0.00

Comment:

Warrant Action Date:

Court Action For:

Other Cost: \$0.00

Warrant Action Status:

Court Action Date:

Exemptions:

Date Satisfied:

Arrest Date:

Status Description:

## Service Information

Issued: 08/23/2019 Issued Type: C-CERTIFIED MAIL

Reissue:

Reissue Type:

Return: Return Type:

Return:

Return Type:

Served: 08/29/2019 Service Type: C-CERTIFIED MAIL

Service On:

Served By:

Answer: 09/25/2019 Answer Type: D-COMPLAINT DENIED

Notice of No Service:

Notice of No Answer:

## Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	SHE055		SHEGON PATRICK MICHAEL	PMS@RUSHTONSTAKELY.COM	(334) 206-3288
Attorney 2	DEE007		DEES STEPHEN PARRISH	SDEES@RSJG.COM	(334) 206-3100

## Financial

### Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	N	AOCC	C001	000	\$0.00	\$75.00	-\$75.00	\$0.00 0	
ACTIVE	N	CONV	C001	000	\$0.00	\$22.12	\$0.00	\$0.00 0	
ACTIVE	N	CV05	C001	000	\$306.00	\$306.00	\$0.00	\$0.00 0	
ACTIVE	N	JDMD	C001	000	\$100.00	\$100.00	\$0.00	\$0.00 0	
ACTIVE	N	SHER	C001	000	\$0.00	\$10.00	-\$10.00	\$0.00 0	
ACTIVE	N	VADM	C001	000	\$45.00	\$45.00	\$0.00	\$0.00 0	
ACTIVE	N	AOCC	D003	000	\$0.00	\$150.80	-\$150.80	\$0.00 0	
ACTIVE	N	CONV	D003	000	\$0.00	\$22.05	\$0.00	\$0.00 0	
ACTIVE	N	SUBP	D003	000	\$0.00	\$252.00	-\$252.00	\$0.00 0	
<b>Total:</b>					\$451.00	\$982.97	-\$531.97	\$0.00	

### Financial History

Transaction Date	Description	Disbursement Account	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
08/23/2019	CREDIT	CONV	2019230	577370	\$20.02	C001	000		N			DOG
08/23/2019	RECEIPT	AOCC	2019230	577360	\$39.50	C001	000		N			DOG
08/23/2019	RECEIPT	CV05	2019230	577380	\$306.00	C001	000		N			DOG
08/23/2019	RECEIPT	JDMD	2019230	577390	\$100.00	C001	000		N			DOG
08/23/2019	RECEIPT	SHER	2019230	577400	\$10.00	C001	000		N			DOG
08/23/2019	RECEIPT	VADM	2019230	577410	\$45.00	C001	000		N			DOG
10/21/2019	RECEIPT	SUBP	2020015	695430	\$12.00	D003	000		N			PAS
10/21/2019	RECEIPT	AOCC	2020015	695410	\$7.10	D003	000		N			PAS
10/21/2019	RECEIPT	SUBP	2020015	695400	\$12.00	D003	000		N			PAS
10/21/2019	RECEIPT	AOCC	2020015	695380	\$7.10	D003	000		N			PAS
10/21/2019	RECEIPT	SUBP	2020015	695370	\$12.00	D003	000		N			PAS
10/21/2019	RECEIPT	AOCC	2020015	695350	\$7.10	D003	000		N			PAS
10/21/2019	RECEIPT	SUBP	2020015	695340	\$12.00	D003	000		N			PAS



10/21/2019	RECEIPT	AOCC	2020015	695320	\$7.10	D003	000	N	PAS
10/21/2019	CREDIT	CONV	2020015	695390	\$1.05	D003	000	N	PAS
10/21/2019	CREDIT	CONV	2020015	695360	\$1.05	D003	000	N	PAS
10/21/2019	CREDIT	CONV	2020015	695420	\$1.05	D003	000	N	PAS
10/21/2019	CHGD DUE	SUBP	2020015	00	\$0.00	D003	000	N	PAS
10/21/2019	CHGD DUE	AOCC	2020015	00	\$0.00	D003	000	N	PAS
10/21/2019	CHGD DUE	AOCC	2020015	00	\$14.20	D003	000	N	PAS
10/21/2019	CREDIT	CONV	2020015	695330	\$1.05	D003	000	N	PAS
05/07/2020	RECEIPT	SUBP	2020155	1091180	\$12.00	D003	000	N	DOG
05/07/2020	CREDIT	CONV	2020155	1091170	\$1.05	D003	000	N	DOG
05/07/2020	RECEIPT	AOCC	2020155	1091160	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098660	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098670	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098690	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098700	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098720	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098730	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098840	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098810	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098790	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098780	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098760	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098750	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098640	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098820	\$7.20	D003	000	N	DOG
05/11/2020	RECEIPT	SUBP	2020157	1098630	\$12.00	D003	000	N	DOG
05/11/2020	RECEIPT	AOCC	2020157	1098610	\$7.20	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098830	\$1.05	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098800	\$1.05	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098770	\$1.05	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098740	\$1.05	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098710	\$1.05	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098680	\$1.05	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098650	\$1.05	D003	000	N	DOG
05/11/2020	CREDIT	CONV	2020157	1098620	\$1.05	D003	000	N	DOG
06/16/2020	CHGD DUE	AOCC	2020183	00	\$53.15	C001	000	N	DOG
06/16/2020	CHGD DUE	AOCC	2020183	00	\$0.00	C001	000	N	DOG
06/16/2020	CREDIT	CONV	2020183	1171680	\$1.05	C001	000	N	DOG
06/16/2020	CHGD DUE	SHER	2020183	00	\$0.00	C001	000	N	DOG
06/16/2020	RECEIPT	AOCC	2020183	1171670	\$13.65	C001	000	N	DOG
06/16/2020	RECEIPT	AOCC	2020183	1171690	\$21.85	C001	000	N	DOG
06/16/2020	CREDIT	CONV	2020183	1171700	\$1.05	C001	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1395990	\$7.20	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1396130	\$12.00	D003	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1396110	\$7.20	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1396100	\$12.00	D003	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1396080	\$7.20	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1396070	\$12.00	D003	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1396050	\$7.20	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1396040	\$12.00	D003	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1396020	\$7.20	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1396010	\$12.00	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1395980	\$12.00	D003	000	N	DOG
10/23/2020	CREDIT	CONV	2021016	1396060	\$1.05	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1395950	\$12.00	D003	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1395930	\$7.20	D003	000	N	DOG

10/23/2020	CREDIT	CONV	2021016	1396150	\$1.05	D003	000	N	DOG
10/23/2020	CREDIT	CONV	2021016	1396120	\$1.05	D003	000	N	DOG
10/23/2020	CREDIT	CONV	2021016	1396090	\$1.05	D003	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1396140	\$7.20	D003	000	N	DOG
10/23/2020	CREDIT	CONV	2021016	1396030	\$1.05	D003	000	N	DOG
10/23/2020	CREDIT	CONV	2021016	1396000	\$1.05	D003	000	N	DOG
10/23/2020	CREDIT	CONV	2021016	1395970	\$1.05	D003	000	N	DOG
10/23/2020	CREDIT	CONV	2021016	1395940	\$1.05	D003	000	N	DOG
10/23/2020	RECEIPT	AOCC	2021016	1395960	\$7.20	D003	000	N	DOG
10/23/2020	RECEIPT	SUBP	2021016	1396160	\$12.00	D003	000	N	DOG

### ***SJIS Witness List***

					Subpoena			
Witness #	Name	Requesting Party	Attorney	Date Issued	Issued Type	Date Served	Service Type	
W001	BLUE CROSS BLUE SHIELD OF AL	D003	SHE055	10/18/2019	CERTIFIED MAIL	10/29/2019	CERTIFIED MAIL	
W002	ADVANCED INTERNAL MEDICINE	D003	SHE055	10/18/2019	CERTIFIED MAIL	10/29/2019	CERTIFIED MAIL	
W003	SOUTHVIEW MEDICAL GROUP	D003	SHE055	10/18/2019	CERTIFIED MAIL	11/04/2019	CERTIFIED MAIL	
W004	UAB HOSPITAL/HIGHLANDS/THE K	D003	SHE055	10/18/2019	CERTIFIED MAIL	11/05/2019	CERTIFIED MAIL	
W005	CVS PHARMACY	D003	SHE055	05/07/2020	CERTIFIED MAIL	05/28/2020	CERTIFIED MAIL	
W006	UAB CALLAHAN EYE HOSPITAL	D003	SHE055	05/11/2020	CERTIFIED MAIL	05/22/2020	CERTIFIED MAIL	
W007	ALABAMA CARDIOVASCULAR GROUP	D003	SHE055	05/11/2020	CERTIFIED MAIL	05/22/2020	CERTIFIED MAIL	
W008	GRANDVIEW MEDICAL CENTER	D003	SHE055	05/11/2020	CERTIFIED MAIL	06/01/2020	CERTIFIED MAIL	
W009	VULCAN IMAGING ASSOCIATES	D003	SHE055	05/11/2020	CERTIFIED MAIL	05/22/2020	CERTIFIED MAIL	
W010	UNIVERSITY OF ALABAMA HEALTH	D003	SHE055	05/11/2020	CERTIFIED MAIL	05/21/2020	CERTIFIED MAIL	
W011	BIRMINGHAM PULMONARY GROUP,	D003	SHE055	05/11/2020	CERTIFIED MAIL	05/29/2020	CERTIFIED MAIL	
W012	NEPHROLOGY ASSOCIATES, PC	D003	SHE055	05/11/2020	CERTIFIED MAIL	05/23/2020	CERTIFIED MAIL	
W013	ASSOCIATED MEDICAL GROUP, PC	D003	SHE055	05/11/2020	CERTIFIED MAIL	05/21/2020	CERTIFIED MAIL	
W014	HAROLD L. CEITLIN, DMD, PC	D003	SHE055	10/23/2020	CERTIFIED MAIL	11/02/2020	CERTIFIED MAIL	
W015	ANDREW DUCKETT, DMD, PC	D003	SHE055	10/23/2020	CERTIFIED MAIL			
W016	BACK ON TRACK CHIROPRACTIC	D003	SHE055	10/23/2020	CERTIFIED MAIL	10/02/2020	CERTIFIED MAIL	
W017	VISION FIRST EYE CENTER, INC	D003	SHE055	10/23/2020	CERTIFIED MAIL	10/30/2020		
W018	STONECREEK DENTAL CARE	D003	SHE055	10/23/2020	CERTIFIED MAIL	11/13/2020	AUTHORIZED SERVICE	
W019	RETINA SPECIALISTS OF ALABAM	D003	SHE055	10/23/2020	CERTIFIED MAIL	10/30/2020		
W020	TOTAL SKIN & BEAUTY DERMATOL	D003	SHE055	10/23/2020	CERTIFIED MAIL			
W021	MICHAEL A CALLAHAN MD & ASSO	D003	SHE055	10/23/2020	CERTIFIED MAIL	11/03/2020		

### ***Case Action Summary***

Date:	Time	Code	Comments	Operator
8/22/2019	11:01 AM	FILE	FILED THIS DATE: 08/22/2019 (AV01)	AJA
8/22/2019	11:01 AM	EORD	E-ORDER FLAG SET TO "Y" (AV01)	AJA
8/22/2019	11:01 AM	ASSJ	ASSIGNED TO JUDGE: CAROLE C. SMITHERMAN (AV01)	AJA
8/22/2019	11:01 AM	SCAN	CASE SCANNED STATUS SET TO: N (AV01)	AJA
8/22/2019	11:01 AM	STAT	CASE ASSIGNED STATUS OF: ACTIVE (AV01)	AJA
8/22/2019	11:01 AM	ORIG	ORIGIN: INITIAL FILING (AV01)	AJA
8/22/2019	11:01 AM	TDMJ	JURY TRIAL REQUESTED (AV01)	AJA

8/22/2019	11:01 AM	C001	INDIGENT FLAG SET TO: N (AV02)	AJA
8/22/2019	11:01 AM	C001	C001 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/22/2019	11:01 AM	C001	C001 PARTY ADDED: TOMBRELLA FRANCES (AV02)	AJA
8/22/2019	11:01 AM	C001	LISTED AS ATTORNEY FOR C001: BATES MARY ELLEN	AJA
8/22/2019	11:01 AM	D001	LISTED AS ATTORNEY FOR D001: PRO SE (AV02)	AJA
8/22/2019	11:01 AM	D001	D001 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/22/2019	11:01 AM	D001	INDIGENT FLAG SET TO: N (AV02)	AJA
8/22/2019	11:01 AM	D001	D001 PARTY ADDED: LOCHRIDGE STANLEY (AV02)	AJA
8/22/2019	11:01 AM	D001	SHERIFF ISSUED: 08/22/2019 TO D001 (AV02)	AJA
8/22/2019	11:01 AM	D002	CERTIFIED MAI ISSUED: 08/22/2019 TO D002 (AV02)	AJA
8/22/2019	11:01 AM	D002	LISTED AS ATTORNEY FOR D002: PRO SE (AV02)	AJA
8/22/2019	11:01 AM	D002	D002 PARTY ADDED: CARDIO-THORACIC SURGEONS, PC	AJA
8/22/2019	11:01 AM	D002	INDIGENT FLAG SET TO: N (AV02)	AJA
8/22/2019	11:01 AM	D002	D002 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/22/2019	11:01 AM	D003	INDIGENT FLAG SET TO: N (AV02)	AJA
8/22/2019	11:01 AM	D003	D003 PARTY ADDED: ST. VINCENT'S BIRMINGHAM (AV02)	AJA
8/22/2019	11:01 AM	D003	LISTED AS ATTORNEY FOR D003: PRO SE (AV02)	AJA
8/22/2019	11:01 AM	D003	CERTIFIED MAI ISSUED: 08/22/2019 TO D003 (AV02)	AJA
8/22/2019	11:02 AM	D003	D003 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/22/2019	11:02 AM	D004	D004 PARTY ADDED: MEHERG WALTER (AV02)	AJA
8/22/2019	11:02 AM	D004	D004 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/22/2019	11:02 AM	D004	LISTED AS ATTORNEY FOR D004: PRO SE (AV02)	AJA
8/22/2019	11:02 AM	D004	CERTIFIED MAI ISSUED: 08/22/2019 TO D004 (AV02)	AJA
8/22/2019	11:02 AM	D004	INDIGENT FLAG SET TO: N (AV02)	AJA
8/22/2019	11:02 AM	D005	INDIGENT FLAG SET TO: N (AV02)	AJA
8/22/2019	11:02 AM	D005	D005 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/22/2019	11:02 AM	D005	CERTIFIED MAI ISSUED: 08/22/2019 TO D005 (AV02)	AJA
8/22/2019	11:02 AM	D005	LISTED AS ATTORNEY FOR D005: PRO SE (AV02)	AJA
8/22/2019	11:02 AM	D005	D005 PARTY ADDED: WAGNER LAURA (AV02)	AJA
8/22/2019	11:02 AM	D006	INDIGENT FLAG SET TO: N (AV02)	AJA
8/22/2019	11:02 AM	D006	D006 E-ORDER FLAG SET TO "Y" (AV02)	AJA
8/22/2019	11:02 AM	D006	D006 PARTY ADDED: BERTRAM JORDAN (AV02)	AJA
8/22/2019	11:02 AM	D006	LISTED AS ATTORNEY FOR D006: PRO SE (AV02)	AJA
8/22/2019	11:02 AM	D006	CERTIFIED MAI ISSUED: 08/22/2019 TO D006 (AV02)	AJA
8/22/2019	11:02 AM	ECOMP	COMPLAINT E-FILED.	BAT030
8/23/2019	9:35 AM	D001	SHERIFF ISSUED: 08/23/2019 TO D001 (AV02)	ELN
8/23/2019	10:14 AM	D002	CERTIFIED MAI ISSUED: 08/23/2019 TO D002 (AV02)	ELN
8/23/2019	10:15 AM	D003	CERTIFIED MAI ISSUED: 08/23/2019 TO D003 (AV02)	ELN
8/23/2019	10:15 AM	D004	CERTIFIED MAI ISSUED: 08/23/2019 TO D004 (AV02)	ELN
8/23/2019	10:15 AM	D005	CERTIFIED MAI ISSUED: 08/23/2019 TO D005 (AV02)	ELN
8/23/2019	10:15 AM	D006	CERTIFIED MAI ISSUED: 08/23/2019 TO D006 (AV02)	ELN
8/23/2019	10:33 AM	ESCAN	SCAN - FILED 8/22/2019 - NOTICE	ELN
8/27/2019	3:54 PM	D005	SERVICE OF CERTIFIED MAI ON 08/27/2019 FOR D005	STC
8/27/2019	3:56 PM	ESERC	SERVICE RETURN	STC
8/30/2019	2:49 PM	D003	SERVICE OF CERTIFIED MAI ON 08/26/2019 FOR D003	STC
8/30/2019	2:51 PM	ESERC	SERVICE RETURN	STC
9/3/2019	11:13 AM	D004	SERVICE OF CERTIFIED MAI ON 08/28/2019 FOR D004	STC
9/3/2019	11:15 AM	ESERC	SERVICE RETURN	STC
9/11/2019	3:23 PM	D002	RETURN OF NOT FOUND ON 09/04/2019 FOR D002 (AV02)	STC
9/11/2019	3:25 PM	ESERC	SERVICE RETURN	STC
9/19/2019	3:20 PM	D006	SERVICE OF CERTIFIED MAI ON 08/29/2019 FOR D006	STC
9/19/2019	3:22 PM	ESERC	SERVICE RETURN	STC
9/25/2019	3:42 PM	D003	LISTED AS ATTORNEY FOR D003: SHEGON PATRICK MICHA	AJA



9/25/2019	3:42 PM	D003	LISTED AS ATTORNEY FOR D003: DEES STEPHEN PARRISH	AJA
9/25/2019	3:42 PM	D003	ANSWER OF COMP DENIED ON 09/25/2019 FOR D003(AV02)	AJA
9/25/2019	3:42 PM	EANSW	D003 - COMPLAINT DENIED E-FILED.	SHE055
9/25/2019	3:46 PM	D004	LISTED AS ATTORNEY FOR D004: SHEGON PATRICK MICHA	AJA
9/25/2019	3:46 PM	D004	LISTED AS ATTORNEY FOR D004: DEES STEPHEN PARRISH	AJA
9/25/2019	3:46 PM	D004	ANSWER OF COMP DENIED ON 09/25/2019 FOR D004(AV02)	AJA
9/25/2019	3:47 PM	EANSW	D004 - COMPLAINT DENIED E-FILED.	SHE055
9/25/2019	3:49 PM	EANSW	D005 - COMPLAINT DENIED E-FILED.	SHE055
9/25/2019	3:50 PM	D005	LISTED AS ATTORNEY FOR D005: SHEGON PATRICK MICHA	AJA
9/25/2019	3:50 PM	D005	LISTED AS ATTORNEY FOR D005: DEES STEPHEN PARRISH	AJA
9/25/2019	3:50 PM	D005	ANSWER OF COMP DENIED ON 09/25/2019 FOR D005(AV02)	AJA
9/25/2019	3:51 PM	D006	LISTED AS ATTORNEY FOR D006: SHEGON PATRICK MICHA	AJA
9/25/2019	3:51 PM	D006	LISTED AS ATTORNEY FOR D006: DEES STEPHEN PARRISH	AJA
9/25/2019	3:51 PM	D006	ANSWER OF COMP DENIED ON 09/25/2019 FOR D006(AV02)	AJA
9/25/2019	3:51 PM	EANSW	D006 - COMPLAINT DENIED E-FILED.	SHE055
9/25/2019	3:54 PM	EMOT	D003-OTHER - MOTION FOR ENTRY OF STANDARD HIPAA ORDER IN CIVIL ACTION FILED.	SHE055
9/25/2019	3:55 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
9/26/2019	12:10 PM	EMOT	D003-OTHER /DOCKETED	PAS
9/26/2019	3:50 PM	JEORDE	ORDER GENERATED FOR OTHER - MOTION FOR ENTRY OF STANDARD HIPAA ORDER IN CIVIL ACTION - RENDERED & ENTERED: 9/26/2019 3:50:47 PM - ORDER	
10/3/2019	10:56 AM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
10/16/2019	10:12 AM	D001	RETURN OF OTHER ON 10/08/2019 FOR D001 (AV02)	ROD
10/16/2019	10:14 AM	ESERC	SERVICE RETURN	ROD
10/18/2019	9:27 AM	ESUBP	SUBPOENA FOR BLUE CROSS BLUE SHIELD OF ALABAMA E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/18/2019	9:28 AM	W001	ADDED: BLUE CROSS BLUE SHIELD OF AL (AW21)	AJA
10/18/2019	9:28 AM	W001	ISSUED: 10182019 - CERTIFIED MAIL; BLUE CROSS BLUE	AJA
10/18/2019	9:29 AM	ESUBP	SUBPOENA FOR ADVANCED INTERNAL MEDICINE E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/18/2019	9:30 AM	W002	ADDED: ADVANCED INTERNAL MEDICINE (AW21)	AJA
10/18/2019	9:30 AM	W002	ISSUED: 10182019 - CERTIFIED MAIL; ADVANCED INTERN	AJA
10/18/2019	9:31 AM	ESUBP	SUBPOENA FOR SOUTHVIEW MEDICAL GROUP E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/18/2019	9:32 AM	W003	ADDED: SOUTHVIEW MEDICAL GROUP (AW21)	AJA
10/18/2019	9:32 AM	W003	ISSUED: 10182019 - CERTIFIED MAIL; SOUTHVIEW MEDIC	AJA
10/18/2019	9:33 AM	W004	ADDED: UAB HOSPITAL/HIGHLANDS/THE K (AW21)	AJA
10/18/2019	9:33 AM	W004	ISSUED: 10182019 - CERTIFIED MAIL; UAB HOSPITAL/HI	AJA
10/18/2019	9:33 AM	ESUBP	SUBPOENA FOR UAB HOSPITAL/HIGHLANDS/THE KIRKLIN CLINIC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/25/2019	3:13 PM	ESCAN	SCAN - FILED 10/25/2019 - MISC	DES
11/6/2019	1:55 PM	D001	LISTED AS ATTORNEY FOR D001: BROWN SAMMY LEE JR	AJA
11/6/2019	1:55 PM	D002	LISTED AS ATTORNEY FOR D002: BROWN SAMMY LEE JR	AJA
11/6/2019	1:57 PM	ENOTA	NOTICE OF APPEARANCE E-FILED	BRO320
11/7/2019	2:40 PM	EMOT	C001-WITHDRAW FILED.	BAT030
11/7/2019	3:04 PM	EMOT	C001-WITHDRAW /DOCKETED	SHB
11/14/2019	1:19 PM	JEORDE	ORDER GENERATED FOR WITHDRAW - RENDERED & ENTERED: 11/14/2019 1:19:40 PM - ORDER	
11/14/2019	1:39 PM	EMOT	C001-WITHDRAW FILED.	BAT030
11/14/2019	2:35 PM	EMOT	C001-WITHDRAW /DOCKETED	SHB
11/15/2019	9:54 AM	JEORDE	ORDER GENERATED FOR WITHDRAW - RENDERED & ENTERED: 11/15/2019 9:54:11 AM - ORDER	
11/15/2019	2:53 PM	EMOT	D001-D002-WITHDRAW FILED.	BRO320
11/15/2019	4:29 PM	EMOT	D001-D002-WITHDRAW /DOCKETED	PAS
11/18/2019	11:38 AM	SERC	SERVICE OF CERTIFIED MAIL ON 10292019 FOR W001 (A	ROD
11/18/2019	11:38 AM	SERC	SERVICE OF CERTIFIED MAIL ON 10292019 FOR W002 (A	ROD
11/18/2019	11:38 AM	SERC	SERVICE OF CERTIFIED MAIL ON 11042019 FOR W003 (A	ROD
11/18/2019	11:38 AM	SERC	SERVICE OF CERTIFIED MAIL ON 11052019 FOR W004 (A	ROD
11/18/2019	11:41 AM	ESCAN	SCAN - FILED 10/29/2019 - RETURN ON SERVICE - SERVED	ROD

11/18/2019	11:41 AM	ESCAN	SCAN - FILED 10/29/2019 - RETURN ON SERVICE - SERVED	ROD
11/18/2019	11:42 AM	ESCAN	SCAN - FILED 11/4/2019 - RETURN ON SERVICE - SERVED	ROD
11/18/2019	11:43 AM	ESCAN	SCAN - FILED 11/5/2019 - RETURN ON SERVICE - SERVED	ROD
11/18/2019	4:00 PM	C001	C001 ADDR1 CHANGED FROM: C/O BATES, HETZEL, PC	DES
11/18/2019	4:00 PM	C001	C001 ADDR2 CHANGED FROM: 2413 1ST AVENUE NORTH	DES
11/18/2019	4:00 PM	C001	LISTED AS ATTORNEY FOR C001: PRO SE (AV02)	DES
11/19/2019	11:45 AM	JEORDE	ORDER GENERATED FOR WITHDRAW - RENDERED & ENTERED: 11/19/2019 11:45:04 AM - ORDER	
11/19/2019	2:29 PM	D001	LISTED AS ATTORNEY FOR D001: PRO SE (AV02)	DES
11/19/2019	2:29 PM	D002	LISTED AS ATTORNEY FOR D002: PRO SE (AV02)	DES
11/19/2019	2:46 PM	JEMOT	D001-D002-WITHDRAW /DISPOSED BY SEPARATE ORDER	
12/10/2019	11:01 AM	EMOT	D003-D004-D006-MOTN TO DIS. PURS. TO RULE 12(B) FILED.	DEE007
12/10/2019	11:37 AM	EMOT	D003-D004-D006-MOTN TO DIS. PURS. TO RULE 12(B) /DOCKETED	SHB
12/12/2019	10:25 AM	JEMOT	D003-D004-D006-MOTN TO DIS. PURS. TO RULE 12(B) /SET FOR 01/09/2020 09:30 AM	
1/3/2020	3:19 PM	EMOT	D005-JOINDER FILED.	SHE055
1/3/2020	4:01 PM	EMOT	D005-JOINDER /DOCKETED	SHB
1/6/2020	11:00 AM	JEMOT	D005-JOINDER /SET FOR 01/09/2020 09:30 AM	
1/9/2020	10:35 AM	JEORDE	ORDER E-FILED - ORDER - E-FILE ORDER - RENDERED & ENTERED: 1/9/2020 10:35:34 AM	
1/9/2020	10:40 AM	JEORDE	ORDER E-FILED - ORDER - E-FILE ORDER - RENDERED & ENTERED: 1/9/2020 10:40:55 AM	
1/9/2020	11:18 AM	DAT1	FOR: STATUS REVIEW/DKT ON 02/28/2020 @ 0900A(AV01)	DES
1/9/2020	4:29 PM	JEORDE	ORDER E-FILED - ORDER - E-FILE ORDER - RENDERED & ENTERED: 1/9/2020 4:29:12 PM	
1/9/2020	4:48 PM	C001	C001 ADDR CITY CHANGED FROM: BIRMINGHAM (AV02)	DES
2/8/2020	10:16 AM	ENOTA	NOTICE OF APPEARANCE E-FILED	PIA001
2/8/2020	10:16 AM	C001	LISTED AS ATTORNEY FOR C001: PIAZZA ANTHONY JOSEP	AJA
3/2/2020	3:04 PM	JEORDE	ORDER GENERATED FOR MOTN TO DIS. PURS. TO RULE 12(B) - RENDERED & ENTERED: 3/2/2020 3:04:32 PM - ORDER	
3/2/2020	3:04 PM	JEORDE	ORDER GENERATED FOR JOINDER - RENDERED & ENTERED: 3/2/2020 3:04:49 PM - ORDER	
4/20/2020	7:06 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
4/22/2020	3:53 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
4/30/2020	10:43 AM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
5/7/2020	9:30 AM	W005	ADDED: CVS PHARMACY (AW21)	AJA
5/7/2020	9:30 AM	W005	ISSUED: 05072020 - CERTIFIED MAIL; CVS PHARMACY	AJA
5/7/2020	9:31 AM	ESUBP	SUBPOENA FOR CVS PHARMACY E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/7/2020	3:24 PM	D001	D001 ADDR1 CHANGED FROM: 2871 ACTON ROAD (AV02)	AJA
5/7/2020	3:24 PM	D001	D001 ADDR2 CHANGED FROM: SUITE 100 (AV02)	AJA
5/7/2020	3:24 PM	D001	D001 ADDR CITY CHANGED FROM: BIRMINGHAM (AV02)	AJA
5/7/2020	3:24 PM	D001	REISSUE OF CERT MAIL-FI ON 05/07/2020 FOR D001	AJA
5/7/2020	3:26 PM	EALIA	ALIAS SUMMONS E-FILED	PIA001
5/7/2020	3:26 PM	ETRAN	ALIAS SUMMONS - SUMMONS	
5/11/2020	8:40 AM	W006	ADDED: UAB CALLAHAN EYE HOSPITAL (AW21)	AJA
5/11/2020	8:40 AM	W006	ISSUED: 05112020 - CERTIFIED MAIL; UAB CALLAHAN EY	AJA
5/11/2020	8:42 AM	ESUBP	SUBPOENA FOR UAB CALLAHAN EYE HOSPITAL E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/11/2020	9:48 AM	W007	ADDED: ALABAMA CARDIOVASCULAR GROUP (AW21)	AJA
5/11/2020	9:48 AM	W007	ISSUED: 05112020 - CERTIFIED MAIL; ALABAMA CARDIOV	AJA
5/11/2020	9:48 AM	ESUBP	SUBPOENA FOR ALABAMA CARDIOVASCULAR GROUP E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/11/2020	9:50 AM	W008	ADDED: GRANDVIEW MEDICAL CENTER (AW21)	AJA
5/11/2020	9:50 AM	W008	ISSUED: 05112020 - CERTIFIED MAIL; GRANDVIEW MEDIC	AJA
5/11/2020	9:51 AM	ESUBP	SUBPOENA FOR GRANDVIEW MEDICAL CENTER E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/11/2020	9:58 AM	W009	ADDED: VULCAN IMAGING ASSOCIATES (AW21)	AJA
5/11/2020	9:58 AM	W009	ISSUED: 05112020 - CERTIFIED MAIL; VULCAN IMAGING	AJA
5/11/2020	9:59 AM	ESUBP	SUBPOENA FOR VULCAN IMAGING ASSOCIATES E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/11/2020	10:00 AM	W010	ADDED: UNIVERSITY OF ALABAMA HEALTH (AW21)	AJA
5/11/2020	10:00 AM	W010	ISSUED: 05112020 - CERTIFIED MAIL; UNIVERSITY OF A	AJA
5/11/2020	10:01 AM	ESUBP	SUBPOENA FOR UNIVERSITY OF ALABAMA HEALTH SERVICES FOUNDATION E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055

5/11/2020	10:02 AM	W011	ADDED: BIRMINGHAM PULMONARY GROUP, (AW21)	AJA
5/11/2020	10:02 AM	W011	ISSUED: 05112020 - CERTIFIED MAIL; BIRMINGHAM PULM	AJA
5/11/2020	10:04 AM	ESUBP	SUBPOENA FOR BIRMINGHAM PULMONARY GROUP, PC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/11/2020	10:05 AM	W012	ADDED: NEPHROLOGY ASSOCIATES, PC (AW21)	AJA
5/11/2020	10:05 AM	W012	ISSUED: 05112020 - CERTIFIED MAIL; NEPHROLOGY ASSO	AJA
5/11/2020	10:07 AM	ESUBP	SUBPOENA FOR NEPHROLOGY ASSOCIATES, PC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/11/2020	10:09 AM	W013	ADDED: ASSOCIATED MEDICAL GROUP, PC (AW21)	AJA
5/11/2020	10:09 AM	W013	ISSUED: 05112020 - CERTIFIED MAIL; ASSOCIATED MEDI	AJA
5/11/2020	10:10 AM	ESUBP	SUBPOENA FOR ASSOCIATED MEDICAL GROUP, PC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
5/18/2020	3:59 PM	D002	D002 ADDR1 CHANGED FROM: CARLTON RANDLEMAN, RA	AJA
5/18/2020	3:59 PM	D002	D002 ADDR2 CHANGED FROM: 880 MONTCLAIR RD, STE 270	AJA
5/18/2020	3:59 PM	D002	REISSUE OF CERT MAIL-FI ON 05/18/2020 FOR D002	AJA
5/18/2020	4:00 PM	EALIA	ALIAS SUMMONS E-FILED	PIA001
5/18/2020	4:01 PM	ETRAN	ALIAS SUMMONS - SUMMONS	
5/20/2020	9:57 AM	ESCAN	SCAN - FILED 5/20/2020 - MISC	DES
5/20/2020	11:48 AM	ESCAN	SCAN - FILED 5/20/2020 - MISC	DES
5/21/2020	5:17 AM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
5/21/2020	5:19 AM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
5/21/2020	5:20 AM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
5/26/2020	10:25 AM	SERC	SERVICE OF CERTIFIED MAIL ON 05212020 FOR W010 (A	WAK
5/26/2020	10:27 AM	SERC	SERVICE OF CERTIFIED MAIL ON 05212020 FOR W013 (A	WAK
5/26/2020	10:36 AM	SERC	SERVICE OF CERTIFIED MAIL ON 05222020 FOR W006 (A	WAK
5/26/2020	10:46 AM	SERC	SERVICE OF CERTIFIED MAIL ON 05222020 FOR W009 (A	WAK
5/26/2020	10:47 AM	SERC	SERVICE OF CERTIFIED MAIL ON 05232020 FOR W012 (A	WAK
5/27/2020	8:57 AM	SERC	SERVICE OF CERTIFIED MAIL ON 05222020 FOR W007 (A	WAK
5/27/2020	11:11 AM	ESCAN	SCAN - FILED 5/22/2020 - SUBPOENA SERVED	WAK
5/27/2020	1:52 PM	ESCAN	SCAN - FILED 5/27/2020 - RESPONSE	DES
5/29/2020	3:49 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
6/1/2020	12:02 PM	SERC	SERVICE OF CERTIFIED MAIL ON 05292020 FOR W011 (A	WAK
6/2/2020	8:35 AM	ESCAN	SCAN - FILED 5/22/2020 - SUBPOENA SERVED	WAK
6/2/2020	10:44 AM	SERC	SERVICE OF CERTIFIED MAIL ON 06012020 FOR W008 (A	WAK
6/2/2020	11:30 AM	SERC	SERVICE OF CERTIFIED MAIL ON 05282020 FOR W005 (A	WAK
6/2/2020	11:40 AM	ESCAN	SCAN - FILED 5/27/2020 - SUBPOENA SERVED	WAK
6/2/2020	11:51 AM	ESCAN	SCAN - FILED 5/28/2020 - SUBPOENA SERVED	WAK
6/16/2020	9:40 AM	EALIA	ALIAS SUMMONS E-FILED	PIA001
6/16/2020	9:41 AM	D001	REISSUE OF CERTIFIED MA ON 06/16/2020 FOR D001	AJA
6/16/2020	9:41 AM	D002	REISSUE OF CERTIFIED MA ON 06/16/2020 FOR D002	AJA
6/16/2020	9:42 AM	ETRAN	ALIAS SUMMONS - SUMMONS	
6/16/2020	9:44 AM	EALIA	ALIAS SUMMONS E-FILED	PIA001
6/16/2020	9:46 AM	ETRAN	ALIAS SUMMONS - SUMMONS	
6/16/2020	2:38 PM	ESCAN	SCAN - FILED 6/16/2020 - NOTICE	ZEC
6/22/2020	5:03 PM	EMOT	D001-D002-OTHER - MOTION TO DISMISS FILED.	NEW049
6/23/2020	7:47 AM	D001	LISTED AS ATTORNEY FOR D001: NEWTON GEORGE EDWIN	AJA
6/23/2020	7:47 AM	D002	LISTED AS ATTORNEY FOR D002: NEWTON GEORGE EDWIN	AJA
6/23/2020	7:50 AM	EMOT	D001-D002-OTHER /DOCKETED	SHB
6/24/2020	8:19 AM	D001	SERVICE OF CERTIFIED MAI ON 06/22/2020 FOR D001	WAK
6/24/2020	8:22 AM	ESERC	SERVICE RETURN	WAK
6/24/2020	5:16 PM	JEVHR	MOTION TO DISMISS /SET FOR 7/23/2020 10:10:00 AM, LOCATION = VIRTUAL HEARING	
6/25/2020	4:24 PM	D002	SERVICE OF CERTIFIED MAI ON 06/22/2020 FOR D002	WAK
6/25/2020	4:26 PM	ESERC	SERVICE RETURN	WAK
6/29/2020	11:41 AM	D001	LISTED AS ATTORNEY FOR D001: BROWN SAMMY LEE JR	AJA
6/29/2020	11:41 AM	D002	LISTED AS ATTORNEY FOR D002: BROWN SAMMY LEE JR	AJA
6/29/2020	11:42 AM	ENOTA	NOTICE OF APPEARANCE E-FILED	BRO320

6/30/2020	2:23 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
7/1/2020	3:31 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
7/21/2020	7:18 PM	EMOT	C001-RESPONSE TO MOTION FILED.	PIA001
7/22/2020	7:55 AM	EMOT	C001-OTHER /DOCKETED	SHB
7/23/2020	10:00 AM	JEVHR	VIRTUAL HEARING - MOTION TO DISMISS	J
7/23/2020	10:00 AM	JEVHR	VIRTUAL HEARING - MOTION TO DISMISS	J
7/24/2020	12:31 PM	EPORD	PROPOSED ORDER SUBMITTED	NEW049
7/27/2020	11:12 AM	JEORDE	ORDER E-FILED - ORDER - E-FILE ORDER - RENDERED & ENTERED: 7/27/2020 11:12:03 AM	
8/11/2020	1:54 PM	EPORD	PROPOSED ORDER SUBMITTED	PIA001
8/11/2020	1:59 PM	EPORD	PROPOSED ORDER SUBMITTED	PIA001
8/13/2020	2:42 PM	EPORD	PROPOSED ORDER SUBMITTED	PIA001
8/13/2020	5:05 PM	EPORD	PROPOSED ORDER SUBMITTED	PIA001
8/13/2020	6:00 PM	EPORD	PROPOSED ORDER SUBMITTED	NEW049
8/19/2020	10:41 AM	JEORDE	ORDER E-FILED - SCHEDULING ORDER - SCHEDULING ORDER - RENDERED & ENTERED: 8/19/2020 10:41:37 AM	
8/20/2020	11:41 AM	DAT1	FOR: CALL DOCKET ON 04/29/2022 @ 0845A (AV01)	DES
8/20/2020	11:41 AM	DAT2	FOR: TRIAL - JURY ON 05/02/2022 @ 0900A (AV01)	DES
8/21/2020	10:20 AM	EMOT	C001-COMPEL FILED.	PIA001
8/21/2020	11:41 AM	EMOT	C001-COMPEL /DOCKETED	PAS
8/24/2020	8:03 AM	EMOT	D003-PROTECTIVE ORDER FILED.	SHE055
8/24/2020	2:17 PM	JEVHR	MOTION TO COMPEL /SET FOR 9/3/2020 11:00:00 AM, LOCATION = VIRTUAL HEARING	
8/25/2020	9:13 AM	EMOT	D003-PROTECTIVE ORDER /DOCKETED	SHB
8/31/2020	1:49 PM	EMOT	D003-RESPONSE TO MOTION FILED.	SHE055
8/31/2020	2:15 PM	EMOT	D003-COMPEL /DOCKETED	SHB
9/2/2020	10:52 AM	JEORDE	ORDER E-FILED - ORDER - E-FILE ORDER - RENDERED & ENTERED: 9/2/2020 10:52:08 AM	
9/2/2020	10:54 AM	JEVHR	MOTION TO COMPEL /SET FOR 9/9/2020 10:30:00 AM, LOCATION = VIRTUAL HEARING	
9/2/2020	11:28 AM	DAT3	FOR: HEARING ON 09/09/2020 @ 1030A (AV01)	DES
9/9/2020	10:27 AM	JEVHR	VIRTUAL HEARING - MOTION TO COMPEL	J
9/11/2020	9:39 AM	EPORD	PROPOSED ORDER SUBMITTED	NAB003
9/17/2020	11:54 AM	JEORDE	ORDER E-FILED - AGREED ORDER - AGREED ORDER - RENDERED & ENTERED: 9/17/2020 11:54:10 AM	
9/19/2020	5:19 PM	EPORD	PROPOSED ORDER SUBMITTED	PIA001
9/22/2020	8:42 AM	STAT	CASE ASSIGNED STATUS OF: DISPOSED (AV01)	DES
9/22/2020	8:42 AM	CACJ	COURT ACTION JUDGE: CAROLE C. SMITHERMAN (AV01)	DES
9/22/2020	8:42 AM	DISP	DISPOSED ON: 09/21/2020 BY (OTHER) (AV01)	DES
9/22/2020	8:42 AM	PDIS	C001 DISPOSED BY (OTHER) ON 09/21/2020 (AV01)	DES
9/22/2020	8:42 AM	PDIS	D001 DISPOSED BY (OTHER) ON 09/21/2020 (AV01)	DES
9/22/2020	8:42 AM	PDIS	D002 DISPOSED BY (OTHER) ON 09/21/2020 (AV01)	DES
9/22/2020	8:42 AM	PDIS	D003 DISPOSED BY (OTHER) ON 09/21/2020 (AV01)	DES
9/22/2020	8:42 AM	PDIS	D004 DISPOSED BY (OTHER) ON 09/21/2020 (AV01)	DES
9/22/2020	8:42 AM	PDIS	D005 DISPOSED BY (OTHER) ON 09/21/2020 (AV01)	DES
9/22/2020	8:42 AM	PDIS	D006 DISPOSED BY (OTHER) ON 09/21/2020 (AV01)	DES
9/22/2020	8:42 AM	STAT	CASE ASSIGNED STATUS OF: ACTIVE (AV01)	DES
9/22/2020	8:42 AM	VDCA	COURT ACTION ENTRY REVISED (AV01)	DES
9/22/2020	8:42 AM	C001	C001 COURT ACTION ENTRY REVISED (AV02)	DES
9/22/2020	8:42 AM	D001	D001 COURT ACTION ENTRY REVISED (AV02)	DES
9/22/2020	8:42 AM	D002	D002 COURT ACTION ENTRY REVISED (AV02)	DES
9/22/2020	8:42 AM	D003	D003 COURT ACTION ENTRY REVISED (AV02)	DES
9/22/2020	8:42 AM	D004	D004 COURT ACTION ENTRY REVISED (AV02)	DES
9/22/2020	8:43 AM	D005	D005 COURT ACTION ENTRY REVISED (AV02)	DES
9/22/2020	8:43 AM	D006	D006 COURT ACTION ENTRY REVISED (AV02)	DES
10/8/2020	2:30 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
10/23/2020	8:46 AM	W014	ADDED: HAROLD L. CEITLIN, DMD, PC (AW21)	AJA
10/23/2020	8:46 AM	W014	ISSUED: 10232020 - CERTIFIED MAIL; HAROLD L. CEITL	AJA



10/23/2020	8:46 AM	ESUBP	SUBPOENA FOR HAROLD L. CEITLIN, DMD, PC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	8:48 AM	W015	ADDED: ANDREW DUCKETT, DMD, PC (AW21)	AJA
10/23/2020	8:48 AM	W015	ISSUED: 10232020 - CERTIFIED MAIL; ANDREW DUCKETT,	AJA
10/23/2020	8:48 AM	ESUBP	SUBPOENA FOR ANDREW DUCKETT, DMD, PC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	8:50 AM	W016	ADDED: BACK ON TRACK CHIROPRACTIC (AW21)	AJA
10/23/2020	8:50 AM	W016	ISSUED: 10232020 - CERTIFIED MAIL; BACK ON TRACK C	AJA
10/23/2020	8:50 AM	ESUBP	SUBPOENA FOR BACK ON TRACK CHIROPRACTIC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	8:52 AM	W017	ADDED: VISION FIRST EYE CENTER, INC (AW21)	AJA
10/23/2020	8:52 AM	W017	ISSUED: 10232020 - CERTIFIED MAIL; VISION FIRST EY	AJA
10/23/2020	8:52 AM	ESUBP	SUBPOENA FOR VISION FIRST EYE CENTER, INC. E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	8:59 AM	W018	ADDED: STONECREEK DENTAL CARE (AW21)	AJA
10/23/2020	8:59 AM	W018	ISSUED: 10232020 - CERTIFIED MAIL; STONECREEK DENT	AJA
10/23/2020	9:00 AM	ESUBP	SUBPOENA FOR STONECREEK DENTAL CARE E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	9:01 AM	W019	ADDED: RETINA SPECIALISTS OF ALABAM (AW21)	AJA
10/23/2020	9:01 AM	W019	ISSUED: 10232020 - CERTIFIED MAIL; RETINA SPECIALI	AJA
10/23/2020	9:02 AM	ESUBP	SUBPOENA FOR RETINA SPECIALISTS OF ALABAMA, LLC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	9:04 AM	W020	ADDED: TOTAL SKIN & BEAUTY DERMATOL (AW21)	AJA
10/23/2020	9:04 AM	W020	ISSUED: 10232020 - CERTIFIED MAIL; TOTAL SKIN & BE	AJA
10/23/2020	9:04 AM	ESUBP	SUBPOENA FOR TOTAL SKIN & BEAUTY DERMATOLOGY CENTER E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	9:07 AM	ESUBP	SUBPOENA FOR MICHAEL A CALLAHAN MD & ASSOCIATES, PC E-FILED BY D003 - ST. VINCENT'S BIRMINGHAM	SHE055
10/23/2020	9:07 AM	W021	ADDED: MICHAEL A CALLAHAN MD & ASSO (AW21)	AJA
10/23/2020	9:07 AM	W021	ISSUED: 10232020 - CERTIFIED MAIL; MICHAEL A CALLA	AJA
10/23/2020	3:56 PM	ESCAN	SCAN - FILED 10/23/2020 - MISC	DES
10/30/2020	10:06 AM	JEORDE	ORDER GENERATED FOR PROTECTIVE ORDER - RENDERED & ENTERED: 10/30/2020 10:06:01 AM - PROTECTIVE ORDER	
11/2/2020	9:31 AM	SERC	SERVICE OF NO SERVICE ON 10302020 FOR W019 (A	RON
11/2/2020	9:38 AM	ESCAN	SCAN - FILED 10/26/2020 - SUBPOENA RETURNED	RON
11/2/2020	10:21 AM	SERC	SERVICE OF CERTIFIED MAIL ON 10022020 FOR W016 (A	SHB
11/2/2020	10:53 AM	ESCAN	SCAN - FILED 10/20/2020 - SUBPOENA SERVED	SHB
11/5/2020	9:06 AM	SERC	SERVICE OF NO SERVICE ON 10302020 FOR W017 (A	RON
11/5/2020	9:09 AM	ESCAN	SCAN - FILED 10/30/2020 - SUBPOENA RETURNED	RON
11/5/2020	9:27 AM	SERC	SERVICE OF NO SERVICE ON 11032020 FOR W021 (A	RON
11/5/2020	9:33 AM	ESCAN	SCAN - FILED 11/3/2020 - SUBPOENA RETURNED	RON
11/6/2020	2:56 PM	SERC	SERVICE OF CERTIFIED MAIL ON 11022020 FOR W014 (A	SHB
11/6/2020	3:22 PM	ESCAN	SCAN - FILED 11/2/2020 - SUBPOENA SERVED	SHB
11/18/2020	10:28 AM	SERC	SERVICE OF AUTHORIZED ON 11132020 FOR W018 (A	RON
11/18/2020	10:31 AM	ESCAN	SCAN - FILED 11/13/2020 - SUBPOENA SERVED	RON
2/17/2021	4:41 PM	EMOT	D001-D002-WITHDRAW FILED.	BRO320
2/17/2021	4:49 PM	EMOT	D001-D002-WITHDRAW /DOCKETED	SHB
2/18/2021	9:58 AM	JEORDE	ORDER GENERATED FOR WITHDRAW - RENDERED & ENTERED: 2/18/2021 9:58:34 AM - ORDER	
2/28/2021	8:20 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
2/28/2021	8:22 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
2/28/2021	8:24 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
3/30/2021	10:17 AM	EDISC	NOTICE OF DISCOVERY E-FILED.	DEE007
4/3/2021	7:29 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
4/3/2021	7:30 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
4/3/2021	7:32 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	PIA001
4/16/2021	2:12 PM	TEXT	TOTAL SKIN BEAUTY MEDICAL REC. RECEIVED	DES
5/18/2021	11:42 AM	EMOT	D003-STAY FILED.	SHE055
5/18/2021	12:40 PM	EMOT	D003-STAY /DOCKETED	SHB
5/19/2021	9:42 AM	JEVHR	MOTION TO STAY /SET FOR 6/14/2021 9:30:00 AM, LOCATION = VIRTUAL HEARING	
6/14/2021	9:39 AM	JEVHR	VIRTUAL HEARING - MOTION TO STAY	J

7/21/2021	6:34 PM	JEORDE	ORDER GENERATED FOR OTHER - MOTION TO DISMISS - RENDERED & ENTERED: 7/21/2021 6:34:03 PM - ORDER	
7/21/2021	6:34 PM	JEORDE	ORDER GENERATED FOR COMPEL - RENDERED & ENTERED: 7/21/2021 6:34:59 PM - ORDER	
7/21/2021	6:40 PM	JEORDE	ORDER E-FILED - SCHEDULING ORDER - E-FILE ORDER - RENDERED & ENTERED: 7/21/2021 6:40:10 PM	
7/21/2021	6:40 PM	JEORDE	ORDER GENERATED FOR STAY - RENDERED & ENTERED: 7/21/2021 6:40:46 PM - ORDER	
7/22/2021	3:19 PM	DAT1	FOR: CALL DOCKET ON 06/10/2022 @ 0845A (AV01)	DES
7/22/2021	3:19 PM	DAT2	FOR: TRIAL - JURY ON 06/13/2022 @ 0900A (AV01)	DES
8/4/2021	4:08 PM	EDISC	NOTICE OF DISCOVERY E-FILED.	SHE055
8/4/2021	4:19 PM	D001	ANSWER OF COMP DENIED ON 08/04/2021 FOR D001(AV02)	AJA
8/4/2021	4:19 PM	D002	ANSWER OF COMP DENIED ON 08/04/2021 FOR D002(AV02)	AJA
8/4/2021	4:19 PM	EANSW	D001 - COMPLAINT DENIED E-FILED.	NEW049
8/4/2021	4:19 PM	EANSW	D002 - COMPLAINT DENIED E-FILED.	NEW049
8/9/2021	4:26 PM	EMOT	D001-D002-OTHER - MOTION TO RECONSIDER OR, ALTERNATIVELY, TO CERTIFY QUESTION FOR INTERLOCUTORY APPEAL FILED.	NEW049
8/9/2021	4:46 PM	EMOT	D001-D002-OTHER /DOCKETED	SHB
8/11/2021	3:16 PM	JEORDE	ORDER GENERATED FOR OTHER - MOTION TO RECONSIDER OR, ALTERNATIVELY, TO CERTIFY QUESTION FOR INTERLOCUTORY APPEAL - RENDERED & ENTERED: 8/11/2021 3:16:31 PM - ORDER	

<b>Images</b>				
<b>Date:</b>	<b>Doc#</b>	<b>Title</b>	<b>Description</b>	<b>Pages</b>
8/22/2019 11:02:56 AM	1	CIVIL_COVER_SHEET	CIRCUIT COURT - CIVIL CASE	1
8/22/2019 11:02:57 AM	2	COMPLAINT		18
8/22/2019 11:03:27 AM	3	COMPLAINT - TRANSMITTAL	E-NOTICE TRANSMITTALS	7
8/22/2019 11:03:27 AM	4	COMPLAINT - SUMMONS	E-NOTICE TRANSMITTALS	6
8/23/2019 10:33:29 AM	5	NOTICE	S/C	6
8/27/2019 3:56:29 PM	7	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
8/27/2019 3:56:17 PM	6	SERVICE RETURN	SERVICE RETURN	2
8/30/2019 2:51:07 PM	9	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
8/30/2019 2:51:02 PM	8	SERVICE RETURN	SERVICE RETURN	2
9/3/2019 11:15:39 AM	11	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
9/3/2019 11:15:30 AM	10	SERVICE RETURN	SERVICE RETURN	2
9/11/2019 3:25:42 PM	13	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
9/11/2019 3:25:38 PM	12	SERVICE RETURN	SERVICE RETURN	2
9/19/2019 3:22:25 PM	14	SERVICE RETURN	SERVICE RETURN	2
9/19/2019 3:22:32 PM	15	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
9/25/2019 3:42:50 PM	16	ANSWER	Answer of Defendant, St. Vincent's Birmingham	21
9/25/2019 3:42:53 PM	17	ANSWER - TRANSMITTAL	E-NOTICE TRANSMITTALS	8
9/25/2019 3:47:47 PM	18	ANSWER	Answer of Defendant, Walter B. Meherg	20
9/25/2019 3:47:54 PM	19	ANSWER - TRANSMITTAL	E-NOTICE TRANSMITTALS	8
9/25/2019 3:49:38 PM	20	ANSWER	Answer of Defendant, Laura S. Wagner	20
9/25/2019 3:49:39 PM	21	ANSWER - TRANSMITTAL	E-NOTICE TRANSMITTALS	7
9/25/2019 3:51:34 PM	22	ANSWER	Answer of Defendant, Jordan P. Bertram	20
9/25/2019 3:51:35 PM	23	ANSWER - TRANSMITTAL	E-NOTICE TRANSMITTALS	7
9/25/2019 3:54:25 PM	24	MOTION_COVER_SHEET	Motion Cover Sheet	2
9/25/2019 3:54:25 PM	25	MOTION	Motion for Entry of Standard HIPAA Order in Civil Action	2
9/25/2019 3:54:25 PM	26	PROPOSED ORDER	HIPAA ORDER IN CIVIL ACTION	3
9/25/2019 3:54:28 PM	27	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
9/25/2019 3:55:37 PM	28	NOTICE OF DISCOVERY	Notice of Filing Discovery Documents	2
9/25/2019 3:55:39 PM	29	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
9/26/2019 3:50:45 PM	30	ORDER	MOTION GRANTED - Other	3
9/26/2019 3:50:47 PM	31	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
10/3/2019 10:56:53 AM	32	NOTICE OF DISCOVERY	NOTICE OF INTENT TO SERVE SUBPOENAS ON NON-PARTIES	27
10/3/2019 10:56:56 AM	33	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
10/16/2019 10:14:44 AM	34	SERVICE RETURN	SERVICE RETURN	1

10/16/2019 10:14:48 AM	35	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
10/18/2019 9:29:12 AM	36	SUBPOENA	Subpoena for BLUE CROSS BLUE SHIELD OF ALABAMA	2
10/18/2019 9:29:13 AM	37	SUPPORTING DOCUMENT	SUBPOENA	10
10/18/2019 9:30:09 AM	38	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/18/2019 9:31:22 AM	39	SUBPOENA	Subpoena for ADVANCED INTERNAL MEDICINE	2
10/18/2019 9:31:23 AM	40	SUPPORTING DOCUMENT	SUBPOENA	10
10/18/2019 9:32:22 AM	41	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/18/2019 9:33:25 AM	42	SUBPOENA	Subpoena for SOUTHVIEW MEDICAL GROUP	2
10/18/2019 9:33:25 AM	43	SUPPORTING DOCUMENT	SUBPOENA	10
10/18/2019 9:34:28 AM	44	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/18/2019 9:35:17 AM	45	SUBPOENA	Subpoena for UAB HOSPITAL/HIGHLANDS/THE KIRKLIN CLINIC	2
10/18/2019 9:35:17 AM	46	SUPPORTING DOCUMENT	SUBPOENA	10
10/18/2019 9:35:29 AM	47	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/25/2019 3:13:41 PM	48	MISC	CM RECEIPT/SUBPOENA	4
11/6/2019 1:57:22 PM	49	NOTICE OF APPEARANCE	Notice of Appearance	2
11/6/2019 1:57:30 PM	50	MISCELLANEOUS - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
11/7/2019 2:40:52 PM	51	MOTION_COVER_SHEET	Motion Cover Sheet	1
11/7/2019 2:40:52 PM	52	MOTION	withdraw	2
11/7/2019 2:40:59 PM	53	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
11/14/2019 1:19:42 PM	54	ORDER	MOTION OTHER - Withdraw	1
11/14/2019 1:19:48 PM	55	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
11/14/2019 1:39:15 PM	56	MOTION_COVER_SHEET	Motion Cover Sheet	1
11/14/2019 1:39:15 PM	57	MOTION	motion to withdraw	2
11/14/2019 1:39:23 PM	58	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
11/15/2019 9:54:18 AM	60	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
11/15/2019 9:54:14 AM	59	ORDER	MOTION GRANTED - Withdraw	1
11/15/2019 2:55:29 PM	61	MOTION_COVER_SHEET	Motion Cover Sheet	1
11/15/2019 2:55:29 PM	62	MOTION	Motion to Withdraw Notice of Appearance	3
11/15/2019 2:55:29 PM	63	EXHIBIT	Affidavit of Sammy L. Brown, Jr.	3
11/15/2019 2:55:29 PM	64	PROPOSED ORDER	ORDER	1
11/15/2019 2:55:32 PM	65	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
11/18/2019 11:41:18 AM	66	RETURN ON SERVICE - SERVED	SUBPOENA- CERT MAIL- W001	2
11/18/2019 11:41:59 AM	67	RETURN ON SERVICE - SERVED	SUBPOENA- CERT MAIL- W002	2
11/18/2019 11:42:59 AM	68	RETURN ON SERVICE - SERVED	SUBPOENA- CERT MAIL- W003	2
11/18/2019 11:43:51 AM	69	RETURN ON SERVICE - SERVED	SUBPOENA- CERT MAIL- W004	2
11/19/2019 11:45:07 AM	70	ORDER	ORDER	1
11/19/2019 11:45:14 AM	71	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
12/10/2019 11:01:30 AM	72	MOTION_COVER_SHEET	Motion Cover Sheet	1
12/10/2019 11:01:30 AM	73	MOTION	Motion to dismiss	3
12/10/2019 11:01:35 AM	74	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
12/12/2019 10:25:32 AM	75	SET FOR HEARING - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
1/3/2020 3:19:35 PM	76	MOTION_COVER_SHEET	Motion Cover Sheet	1
1/3/2020 3:19:36 PM	77	MOTION	Joinder in Motion to Dismiss	2
1/3/2020 3:19:42 PM	78	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
1/6/2020 11:00:30 AM	79	SET FOR HEARING - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
1/9/2020 10:35:32 AM	80	ORDER	E-FILE ORDER	2
1/9/2020 10:35:35 AM	81	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
1/9/2020 10:40:54 AM	82	ORDER	E-FILE ORDER	1
1/9/2020 10:40:56 AM	83	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
1/9/2020 4:29:10 PM	84	ORDER	E-FILE ORDER	1
1/9/2020 4:29:13 PM	85	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
2/8/2020 10:17:13 AM	86	NOTICE OF APPEARANCE	Notice of Appearance	2
2/8/2020 10:17:18 AM	87	MISCELLANEOUS - TRANSMITTAL	E-NOTICE TRANSMITTALS	6

3/2/2020 3:04:27 PM	88	ORDER	MOTION OTHER - Motion to Dismiss pursuant to Rule 12(b)	1
3/2/2020 3:05:13 PM	91	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
3/2/2020 3:04:43 PM	89	ORDER	MOTION MOOT - Joinder	1
3/2/2020 3:04:50 PM	90	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
4/20/2020 7:06:15 PM	92	NOTICE OF DISCOVERY	Plaintiff's Rule 5d Notice of Service of Discovery	2
4/20/2020 7:06:38 PM	93	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
4/22/2020 3:53:31 PM	94	NOTICE OF DISCOVERY	NOTICE OF INTENT TO SERVE SUBPOENAS ON NON-PARTIES	57
4/22/2020 3:53:33 PM	95	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
4/30/2020 10:43:29 AM	96	NOTICE OF DISCOVERY	Rule 5d Notice of Service of Discovery of Discovery Documents	2
4/30/2020 10:43:33 AM	97	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
5/7/2020 9:31:47 AM	98	SUBPOENA	Subpoena for CVS PHARMACY	2
5/7/2020 9:31:48 AM	99	SUPPORTING DOCUMENT	SUBPOENA	10
5/7/2020 9:32:34 AM	100	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/7/2020 3:26:04 PM	101	COPY OF COMPLAINT	Complaint	20
5/7/2020 3:26:08 PM	102	ALIAS SUMMONS - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
5/7/2020 3:26:08 PM	103	ALIAS SUMMONS - SUMMONS	E-NOTICE TRANSMITTALS	1
5/11/2020 8:42:12 AM	104	SUBPOENA	Subpoena for UAB CALLAHAN EYE HOSPITAL	2
5/11/2020 8:42:12 AM	105	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 8:42:31 AM	106	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/11/2020 9:48:57 AM	107	SUBPOENA	Subpoena for ALABAMA CARDIOVASCULAR GROUP	2
5/11/2020 9:48:57 AM	108	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 9:50:07 AM	109	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/11/2020 9:51:10 AM	110	SUBPOENA	Subpoena for GRANDVIEW MEDICAL CENTER	2
5/11/2020 9:51:10 AM	111	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 9:52:08 AM	112	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/11/2020 9:59:35 AM	113	SUBPOENA	Subpoena for VULCAN IMAGING ASSOCIATES	2
5/11/2020 9:59:35 AM	114	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 10:00:22 AM	115	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/11/2020 10:01:49 AM	116	SUBPOENA	Subpoena for UNIVERSITY OF ALABAMA HEALTH SERVICES FOUNDATION	2
5/11/2020 10:01:49 AM	117	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 10:02:27 AM	118	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/11/2020 10:04:04 AM	119	SUBPOENA	Subpoena for BIRMINGHAM PULMONARY GROUP, PC	2
5/11/2020 10:04:04 AM	120	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 10:04:30 AM	121	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/11/2020 10:07:03 AM	122	SUBPOENA	Subpoena for NEPHROLOGY ASSOCIATES, PC	2
5/11/2020 10:07:03 AM	123	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 10:07:43 AM	124	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/11/2020 10:10:36 AM	125	SUBPOENA	Subpoena for ASSOCIATED MEDICAL GROUP, PC	2
5/11/2020 10:10:36 AM	126	SUPPORTING DOCUMENT	SUBPOENA	10
5/11/2020 10:10:47 AM	127	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
5/18/2020 4:00:50 PM	128	COPY OF COMPLAINT	Complaint	20
5/18/2020 4:00:55 PM	129	ALIAS SUMMONS - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
5/18/2020 4:00:56 PM	130	ALIAS SUMMONS - SUMMONS	E-NOTICE TRANSMITTALS	1
5/20/2020 9:57:04 AM	131	MISC	CM RECEIPT/SUBPOENA	1
5/20/2020 11:48:33 AM	132	MISC	CM RECEIPT/SUBPOENA	8
5/21/2020 5:17:44 AM	133	NOTICE OF DISCOVERY	Rule 5d Notice of Discovery to Meherg	2
5/21/2020 5:18:03 AM	134	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
5/21/2020 5:19:11 AM	135	NOTICE OF DISCOVERY	Rule 5d Notice of Discovery to Bertram	2
5/21/2020 5:19:33 AM	136	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
5/21/2020 5:20:10 AM	137	NOTICE OF DISCOVERY	Rule 5d Notice of Discovery to Wagner	2
5/21/2020 5:20:35 AM	138	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
5/27/2020 11:11:00 AM	139	SUBPOENA SERVED	W007	2



5/27/2020 1:52:49 PM	140	RESPONSE	ALABAMA CARDIOVASCULAR GOURP	5
5/29/2020 3:49:47 PM	141	NOTICE OF DISCOVERY	Notice of Discovery	2
5/29/2020 3:49:53 PM	142	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
6/2/2020 8:35:23 AM	143	SUBPOENA SERVED	W11	2
6/2/2020 11:40:04 AM	144	SUBPOENA SERVED	W08	2
6/2/2020 11:51:21 AM	145	SUBPOENA SERVED	W005	2
6/16/2020 9:42:32 AM	146	COPY OF COMPLAINT	Complaint	20
6/16/2020 9:42:38 AM	147	ALIAS SUMMONS - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
6/16/2020 9:42:38 AM	148	ALIAS SUMMONS - SUMMONS	E-NOTICE TRANSMITTALS	2
6/16/2020 9:46:34 AM	149	COPY OF COMPLAINT	Complaint	20
6/16/2020 9:46:39 AM	150	ALIAS SUMMONS - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
6/16/2020 9:46:39 AM	151	ALIAS SUMMONS - SUMMONS	E-NOTICE TRANSMITTALS	1
6/16/2020 2:38:05 PM	152	NOTICE	TO CLERK ALIAS S&C D001&D002 BY CM	3
6/22/2020 5:03:08 PM	153	MOTION_COVER_SHEET	Motion Cover Sheet	1
6/22/2020 5:03:08 PM	154	MOTION	Motion to Dismiss	9
6/22/2020 5:03:10 PM	155	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
6/24/2020 8:21:55 AM	157	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
6/24/2020 8:21:51 AM	156	SERVICE RETURN	SERVICE RETURN	2
6/24/2020 5:16:22 PM	159	SET FOR VIRTUAL HEARING - TRANSMITTAL_REDACTED	E-NOTICE TRANSMITTALS	7
6/25/2020 4:26:05 PM	161	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	1
6/25/2020 4:26:01 PM	160	SERVICE RETURN	SERVICE RETURN	2
6/29/2020 11:42:50 AM	162	NOTICE OF APPEARANCE	Notice of Appearance	2
6/29/2020 11:42:58 AM	163	MISCELLANEOUS - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
6/30/2020 2:23:49 PM	164	NOTICE OF DISCOVERY	Notice of Discovery	2
6/30/2020 2:23:52 PM	165	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
7/1/2020 3:31:44 PM	166	NOTICE OF DISCOVERY	Notice of Discovery	2
7/1/2020 3:32:32 PM	167	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
7/21/2020 7:18:37 PM	168	OBJECTION	Tombrella Response to Lochridge and Cardio-Thoracic, PC Motion to Dismiss	8
7/21/2020 7:19:04 PM	169	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
7/24/2020 12:32:42 PM	170	PROPOSED ORDER	Order	1
7/24/2020 12:32:46 PM	171	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
7/27/2020 11:11:49 AM	173	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
7/27/2020 11:11:41 AM	172	ORDER	E-FILE ORDER	1
8/11/2020 1:54:16 PM	174	PROPOSED ORDER	ORDER	3
8/11/2020 1:54:25 PM	175	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/11/2020 1:59:00 PM	176	PROPOSED ORDER	SCHEDULING ORDER	3
8/11/2020 1:59:17 PM	177	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/13/2020 2:42:14 PM	178	PROPOSED ORDER	Plaintiff's CORRECTED Proposed Order	3
8/13/2020 2:42:23 PM	179	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/13/2020 5:05:52 PM	180	PROPOSED ORDER	Parties Joint Proposed Scheduling Order	3
8/13/2020 5:05:58 PM	181	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/13/2020 6:00:01 PM	182	PROPOSED ORDER	AGREED ORDER	1
8/13/2020 6:00:02 PM	183	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/19/2020 10:41:17 AM	185	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/19/2020 10:41:13 AM	184	SCHEDULING ORDER	Scheduling Order	4
8/21/2020 10:22:31 AM	186	MOTION_COVER_SHEET	Motion Cover Sheet	1
8/21/2020 10:22:31 AM	187	MOTION	Tombrella Motion to Compel	7
8/21/2020 10:22:31 AM	188	EXHIBIT	2020.07.11 letter	1
8/21/2020 10:22:31 AM	189	EXHIBIT	2020.07.27 letter	1
8/21/2020 10:22:31 AM	190	EXHIBIT	2020.07.28 email	2
8/21/2020 10:22:31 AM	191	EXHIBIT	2020.07.31 letter	2
8/21/2020 10:22:37 AM	192	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5

8/24/2020 8:03:47 AM	193	MOTION_COVER_SHEET	Motion Cover Sheet	1
8/24/2020 8:03:47 AM	194	MOTION	Motion for Protective Order	3
8/24/2020 8:03:47 AM	195	PROPOSED ORDER	PROTECTIVE ORDER	3
8/24/2020 8:03:53 AM	196	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/24/2020 2:17:09 PM	198	SET FOR VIRTUAL HEARING - TRANSMITTAL_REDACTED	E-NOTICE TRANSMITTALS	8
9/2/2020 10:54:21 AM	205	SET FOR VIRTUAL HEARING - TRANSMITTAL_REDACTED	E-NOTICE TRANSMITTALS	8
8/31/2020 1:49:16 PM	199	OBJECTION	RESPONSE TO PLAINTIFF'S MOTION TO COMPEL AND MOTION FOR PROTECTIVE ORDER	7
8/31/2020 1:49:17 PM	200	EXHIBIT	Exhibit A	12
8/31/2020 1:49:23 PM	201	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
9/2/2020 10:51:46 AM	203	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
9/2/2020 10:51:42 AM	202	ORDER	E-FILE ORDER	1
9/11/2020 9:40:57 AM	206	PROPOSED ORDER	ORDER	4
9/11/2020 9:40:59 AM	207	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
9/17/2020 11:55:57 AM	208	AGREED ORDER	AGREED ORDER	1
9/17/2020 11:56:00 AM	209	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
9/19/2020 5:18:43 PM	210	PROPOSED ORDER	ORDER	3
9/19/2020 5:18:44 PM	211	PROPOSED ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
10/8/2020 2:30:04 PM	212	NOTICE OF DISCOVERY	NOTICE OF INTENT TO SERVE SUBPOENAS ON NON-PARTIES	51
10/8/2020 2:30:08 PM	213	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
10/23/2020 8:48:40 AM	214	SUBPOENA	Subpoena for HAROLD L. CEITLIN, DMD, PC	2
10/23/2020 8:48:40 AM	215	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 8:49:03 AM	216	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 8:50:48 AM	217	SUBPOENA	Subpoena for ANDREW DUCKETT, DMD, PC	2
10/23/2020 8:50:49 AM	218	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 8:51:12 AM	219	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 8:52:43 AM	220	SUBPOENA	Subpoena for BACK ON TRACK CHIROPRACTIC	2
10/23/2020 8:52:43 AM	221	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 8:53:10 AM	222	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 8:54:42 AM	223	SUBPOENA	Subpoena for VISION FIRST EYE CENTER, INC.	2
10/23/2020 8:54:42 AM	224	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 8:55:17 AM	225	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 9:02:20 AM	226	SUBPOENA	Subpoena for STONECREEK DENTAL CARE	2
10/23/2020 9:02:20 AM	227	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 9:02:34 AM	228	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 9:04:29 AM	229	SUBPOENA	Subpoena for RETINA SPECIALISTS OF ALABAMA, LLC	2
10/23/2020 9:04:29 AM	230	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 9:04:37 AM	231	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 9:06:31 AM	232	SUBPOENA	Subpoena for TOTAL SKIN & BEAUTY DERMATOLOGY CENTER	2
10/23/2020 9:06:31 AM	233	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 9:08:07 AM	234	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 9:09:13 AM	235	SUBPOENA	Subpoena for MICHAEL A CALLAHAN MD & ASSOCIATES, PC	2
10/23/2020 9:09:14 AM	236	SUPPORTING DOCUMENT	SUBPOENA	10
10/23/2020 9:09:59 AM	237	SUBPOENA - TRANSMITTAL	E-NOTICE TRANSMITTALS	6
10/23/2020 3:56:27 PM	238	MISC	CM RECEIPT/SUBPOENA	8
10/30/2020 10:08:01 AM	239	PROTECTIVE ORDER	PROTECTIVE ORDER	3
10/30/2020 10:08:08 AM	240	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
11/2/2020 9:38:21 AM	241	SUBPOENA RETURNED	W19/ NOT DELIVERABLE AS ADDRESSED RETURN TO SENDER UNABLE TO FORWARD.	2
11/2/2020 10:53:49 AM	242	SUBPOENA SERVED	W16	2
11/5/2020 9:09:20 AM	243	SUBPOENA RETURNED	W17 NO SIGNATURE.	2
11/5/2020 9:33:28 AM	244	SUBPOENA RETURNED	W21 NO SIGNATURE	2
11/6/2020 3:22:21 PM	245	SUBPOENA SERVED	W14	2

11/18/2020 10:31:50 AM	246	SUBPOENA SERVED	W18	2
2/17/2021 4:41:03 PM	247	MOTION_COVER_SHEET	Motion Cover Sheet	1
2/17/2021 4:41:03 PM	248	MOTION	Notice of Withdrawal as Counsel	2
2/17/2021 4:41:11 PM	249	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
2/18/2021 9:58:35 AM	250	ORDER	MOTION GRANTED - Withdraw	1
2/18/2021 9:58:38 AM	251	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
2/28/2021 8:20:40 PM	252	NOTICE OF DISCOVERY	Plaintiff's Rule 5d Notice of Discovery to Defendant Bertram	2
2/28/2021 8:20:58 PM	253	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
2/28/2021 8:22:53 PM	254	NOTICE OF DISCOVERY	Plaintiff's Rule 5d Notice of Discovery to Defendant Meherg	2
2/28/2021 8:23:08 PM	255	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
2/28/2021 8:24:06 PM	256	NOTICE OF DISCOVERY	Plaintiff's Rule 5d Notice of Discovery to Defendant Wagner	2
2/28/2021 8:24:08 PM	257	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
3/30/2021 10:16:40 AM	258	NOTICE OF DISCOVERY	Notice of filing discovery documents	2
3/30/2021 10:16:42 AM	259	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
4/3/2021 7:27:24 PM	260	NOTICE OF DISCOVERY	Rule 5d Notice of Discovery on Defendant Wagner	2
4/3/2021 7:27:39 PM	261	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
4/3/2021 7:29:04 PM	262	NOTICE OF DISCOVERY	Rule 5d Notice of Discovery on Defendant Meherg	2
4/3/2021 7:29:07 PM	263	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
4/3/2021 7:30:20 PM	264	NOTICE OF DISCOVERY	Rule 5d Notice of Discovery on Defendant Bertram	2
4/3/2021 7:30:40 PM	265	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
5/18/2021 11:42:43 AM	266	MOTION_COVER_SHEET	Motion Cover Sheet	1
5/18/2021 11:42:43 AM	267	MOTION	Motion to Stay Discovery Deadlines	3
5/18/2021 11:42:49 AM	268	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
5/19/2021 9:42:11 AM	270	SET FOR VIRTUAL HEARING - TRANSMITTAL_REDACTED	E-NOTICE TRANSMITTALS	7
7/21/2021 6:34:03 PM	271	ORDER	MOTION DENIED - Other	1
7/21/2021 6:34:05 PM	272	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
7/21/2021 6:34:59 PM	273	ORDER	MOTION GRANTED - Compel	1
7/21/2021 6:35:02 PM	274	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
7/21/2021 6:40:10 PM	275	SCHEDULING ORDER	E-FILE ORDER	5
7/21/2021 6:40:15 PM	276	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
7/21/2021 6:40:46 PM	277	ORDER	MOTION MOOT - Stay	1
7/21/2021 6:40:47 PM	278	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
8/4/2021 4:08:47 PM	279	NOTICE OF DISCOVERY	Notice of Discovery	2
8/4/2021 4:17:20 PM	280	DISCOVERY - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
8/4/2021 4:19:32 PM	281	ANSWER	Answer	18
8/4/2021 4:25:32 PM	282	ANSWER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
8/4/2021 4:19:32 PM	281	ANSWER	Answer	18
8/9/2021 4:27:05 PM	283	MOTION_COVER_SHEET	Motion Cover Sheet	2
8/9/2021 4:27:05 PM	284	MOTION	Motion to Reconsider or, alternatively, to Certify Question for Interlocutory Appeal	6
8/9/2021 4:27:05 PM	285	EXHIBIT	A - Proposed Order	4
8/9/2021 4:27:05 PM	286	PROPOSED ORDER	ORDER	3
8/9/2021 4:27:09 PM	287	MOTION - TRANSMITTAL	E-NOTICE TRANSMITTALS	4
8/11/2021 3:16:31 PM	288	ORDER	ORDER	4
8/11/2021 3:16:39 PM	289	ORDER - TRANSMITTAL	E-NOTICE TRANSMITTALS	4



**END OF THE REPORT**

# EXHIBIT D



3161 AD

EX-100

State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	<b>SUMMONS</b> <b>- CIVIL -</b>	<b>Court Case Number</b> 01-CV-2019-903763.00
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**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA**  
**FRANCES TOMBRELLA V. STANLEY LOCHRIDGE ET AL**

**NOTICE TO:** STANLEY LOCHRIDGE, 2871 ACTON ROAD SUITE 100, BIRMINGHAM, AL 35243  
 \_\_\_\_\_  
 (Name and Address of Defendant)

THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S),  
 MARY ELLEN BATES  
 \_\_\_\_\_  
 (Name(s) of Attorney(s))

WHOSE ADDRESS(ES) IS/ARE: 2413 1st Avenue North, BIRMINGHAM, AL 35203  
 \_\_\_\_\_  
 (Address(es) of Plaintiff(s) or Attorney(s))

THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.

**TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:**

☒ You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.

☐ Service by certified mail of this Summons is initiated upon the written request of \_\_\_\_\_  
 pursuant to the Alabama Rules of the Civil Procedure. \_\_\_\_\_  
 (Date) 8/22/2019 11:02:57 AM /s/ JACQUELINE ANDERSON SMITH By: \_\_\_\_\_  
 (Signature of Clerk) (Name)

☐ Certified Mail is hereby requested. \_\_\_\_\_  
 (Plaintiff's/Attorney's Signature)

**RETURN ON SERVICE**

☐ Return receipt of certified mail received in this office on \_\_\_\_\_  
 Returned Not Served on \_\_\_\_\_ (Date)

☒ I certify that I personally delivered a copy of this Summons and Complaint or other document to \_\_\_\_\_  
 For the following reason(s):

☐ Moved/Not at Address \_\_\_\_\_ in \_\_\_\_\_ County,  
 (Name of Person Served) (Name of County)

☐ Insufficient Address \_\_\_\_\_

☐ Not Employed at Address \_\_\_\_\_  
 (Date)

☐ Received Too Late for Service \_\_\_\_\_  
 (Address of Server)


☒ Unable to make Contact \_\_\_\_\_  
 (Type of Process Server) (Server's Signature)


☐ Other \_\_\_\_\_

Mark Pettway, Sheriff, Jefferson County, AL \_\_\_\_\_  
 Deputy EN Watfor \_\_\_\_\_  
 (Server's Printed Name) (Phone Number of Server)

**01-CV-2019-903763.00**  
**FRANCES TOMBRELLA V. STANLEY LOCHRIDGE ET AL**

C001 - FRANCES TOMBRELLA (Plaintiff)	v.	D001 - STANLEY LOCHRIDGE (Defendant)
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1 9 0 2 2 5 6 6 \*

**RECEIVED OCT 09 2019**

**COPY**

STANLEY LOCHRIDGE

# EXHIBIT E

UNITED STATES POSTAL SERVICE  
FIRST CLASS PERMIT NO. 4011 BIRMINGHAM, AL 35213

# SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

CARDIO-THORACIC SURGEONS, PC  
CARLTON RANDLEMAN, RA  
880 MONTCLAIR RD, STE 270  
BIRMINGHAM, AL 35213

# COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

2019 903763 S/c

3. Service Type

☐ Priority Mail Express®

☐ Adult Signature

☐ Registered Mail™

☐ Adult Signature Restricted Delivery

☐ Registered Mail Restricted Delivery

☒ Certified Mail®

☒ Return Receipt for Merchandise

☐ Certified Mail Restricted Delivery

☐ Signature Confirmation™

☐ Collect on Delivery

☐ Signature Confirmation Restricted Delivery

☐ Collect on Delivery Restricted Delivery

☐ Mail

☐ Signature Confirmation Restricted Delivery

☐ Mail Restricted Delivery

5001

2. Article Number (Transfer from service label)

7019 0700 0001 2671 1651

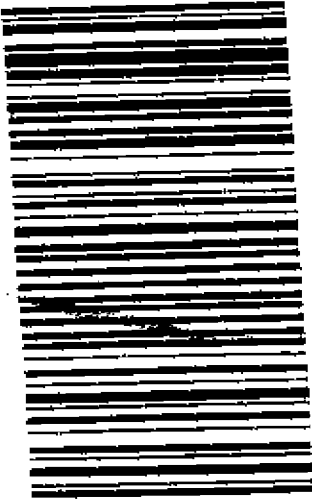


9590 9402 4837 9032 8033 39

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

# DEFERRED WHIL



JACQUELINE ANDERSON S  
CIRCUIT COURT OF JEFFER  
CIVIL DIVISION - ROOM 400  
716 RICHARD ARRINGTON JI  
BIRMINGHAM, ALABAMA 352



7019 0700 0001 2671 1651

FILED IN OFFICE  
CIRCUIT CIVIL DIVISION

SEP 06 2019

JACQUELINE ANDERSON SMITH  
CLERK

67-60750Z1

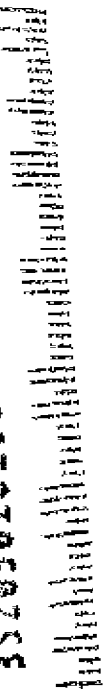
5-4  
 E-4  
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2011

TURN TO SENDER  
ELECTRICH NUMBER  
\* NO SALE  
UNABLE TO FORWARD

# 2775-06615-23-45

SECRET





# EXHIBIT F



## AlaFile E-Notice

01-CV-2019-903763.00

Judge: CAROLE C. SMITHERMAN

To: NEWTON GEORGE EDWIN II  
gen@starneslaw.com

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# NOTICE OF ELECTRONIC FILING

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IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FRANCES TOMBRELLA V. STANLEY LOCHRIDGE ET AL  
01-CV-2019-903763.00

The following matter was FILED on 7/21/2020 7:18:37 PM

C001 TOMBRELLA FRANCES  
MOTION TO DISMISS  
[Filer: PIAZZA ANTHONY JOSEPH]

Notice Date: 7/21/2020 7:18:37 PM

JACQUELINE ANDERSON SMITH  
CIRCUIT COURT CLERK  
JEFFERSON COUNTY, ALABAMA  
JEFFERSON COUNTY, ALABAMA  
716 N. RICHARD ARRINGTON BLVD.  
BIRMINGHAM, AL, 35203

205-325-5355  
jackie.smith@alacourt.gov



**IN THE CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA**

**FRANCES ANN TOMBRELLA,  
Individually, and FRANCES ANN  
TOMBRELLA, IN HER CAPACITY  
AS SPECIAL ADMINISTRATRIX OF  
THE ESTATE OF RONALD SANTO  
TOMBRELLA, Deceased**

**PLAINTIFFS,**

**VS.**

**STANLEY LOCHRIDGE, M.D., an  
CARDIO-THORACIC  
SURGEONS, P.C.,  
ST. VINCENT'S BIRMINGHAM,  
WALTER B. MEHERG, R.N.,  
LAURA S. WAGNER, R.N.,  
JORDAN P. BERTRAM, R.N., et al.**

**DEFENDANTS.**

**CIVIL ACTION NO.  
CV-19-903763**

**PLAINTIFF'S RESPONSE IN PARTIAL OPPOSITION TO  
DEFENDANTS STANLEY LOCHRIDGE, M.D., and CARDIO-  
THORACIC SURGEONS, P.C., MOTION TO DISMISS**

COMES NOW, the Plaintiff, and files her Response in Partial  
Opposition to Defendants Stanley Lochridge, M.D. and Cardio-Thoracic  
Surgeons, P.C. Motion to Dismiss, and as grounds therefore states as  
follows:

**INTRODUCTION**

This case arises out of the untimely death of Ronald Santo Tombrella on August 25, 2017 while a patient at St. Vincent's Birmingham hospital under the care of the defendants Stanley Lochridge, M.D. and Cardio-Thoracic Surgeons, P.C. Plaintiff received her Letters Testamentary on June 20, 2018. Plaintiff filed her complaint against the above named defendants on August 22, 2019. Defendants St. Vincent's Birmingham, Walter B. Meherg, R.N., Laura S. Wagner, R.N., and Jordan P. Bertram, R.N. were served with the Summons and Complaint, have filed their answers, and are presently conducting paper discovery with the Plaintiff. Personal service by the Sheriff of the Summons and Complaint on Defendant Stanley Lochridge, M.D. was attempted at Lockridge's medical clinic located at 2871 Acton Road, Suite 100, Birmingham, AL 35243 but was returned to the Circuit Clerk "not served" on October 9, 2019 due to "unable to make contact". Certified mail service of the Summons and Complaint on Defendant Cardio-Thoracic Surgeons, P.C. was attempted at the address of the Carlton Randleman, Registered Agent, at 880 Montclair Road, Suite 270, Birmingham, AL 35213 but was returned to the Circuit Clerk on September 6, 2019 stamped "RETURN TO SENDER, NO SUCH NUMBER, UNABLE TO FORWARD", even though the business records of the Alabama Secretary of State, indicated at the time that the registered agent for

Cardio-Thoracic Surgeons, P.C., was Carlton Randleman, 880 Montclair Road, Suite 270, Birmingham, AL 35213, and as of May 7, 2020, said registered agent's name and address had not changed.

### **STANDARD OF REVIEW**

The appropriate standard by which Defendants motion is to be reviewed, as stated in *Ex parte Phoenix City Bd. of Educ.*, 67 So.3d 56 (Ala. 2011) is as follows:

“The appropriate standard of review under Rule 12(b)(6), Ala. R. Civ. P.,] is whether, when the allegations of the complaint are viewed most strongly in the pleader's favor, it appears that the pleader could prove any set of circumstances that would entitle [it] to relief. In making this determination, this Court does not consider whether the plaintiff will ultimately prevail, but only whether [it] may possibly prevail. We note that a Rule 12(b)(6) dismissal is proper only when it appears beyond doubt that the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to relief. *Ex parte Troy Univ.*, 961 So.2d 105, 108 (Ala.2006) (quoting *Knox v. Western World Ins. Co.*, 893 So.2d 321, 322 (Ala.2004), quoting in turn *Nance v. Matthews*, 622 So.2d 297, 299 (Ala.1993).

## **ARGUMENT**

### **I. THE PLAINTIFF FAILED TO PERFECT SERVICE WITHIN THE TIME MANDATED BY ARCP 4(b).**

Defendants begin their argument on this issue by making a statement, which on its face may be true, but under closer scrutiny fails considering their argument that the Mrs. Tombrella cannot make an individual capacity claim negates the accuracy of this aspect of their argument. Secondly, this Court granted Plaintiff's original counsel's Motion to Withdraw on November 15 2019. The undersigned counsel filed his Notice of Appearance on February 8, 2020. The number of "270 days" in bold and underlined print no less, while literally being true, is significantly misleading since under Alabama law, an estate cannot proceed pro se.

Defendants argue that since Plaintiff failed to serve them within the 120-day rule set out in ALA. R. CIV. P. 4(b), and also that she failed to show good cause why service on defendants was not perfected. The rule itself does not mandate and require the Court to dismiss a case in which the Plaintiff has not served a defendant within the 120-day rule, and gives the Court broad discretion.

"If service of the Summons and Complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after at least 14 days' notice to the plaintiff, may dismiss the action

without prejudice as to the defendant upon whom service was not made or direct that service be perfected within a specified; provided, however, that if the plaintiff shows good cause for the failure to serve the defendant, the court shall extend the time for service for an appropriate period.”

ALA. R. CIV. P. 4(b). As stated above, the Summons and Complaint to Defendant Lochridge was returned to the Court on October 9, 2019 “not served” even though the sheriff deputy attempted to serve Lochridge at his medical clinic, and was “unable to make contact”. In addition, certified mail service of the Summons and Complaint on Defendant Cardio-Thoracic Surgeons, P.C. was attempted at the address of its registered agent, Carlton Randleman, at 880 Montclair Road, Suite 270, Birmingham, AL 35213 but was returned to the Circuit Clerk on September 6, 2019 stamped “RETURN TO SENDER, NO SUCH NUMBER, UNABLE TO FORWARD”.

Plaintiff’s counsel at the time did not make any further attempts to have defendants served before she was allowed to withdraw on November 15, 2019. Further, the Secretary of State’s records indicated as late as May 2020, that said defendant Cardio-Thoracic’s registered agent’s address had not changed. Finally, the Defendants themselves waited until after being served to move this Court to dismiss Plaintiff’s complaint and therefore their argument for dismissal after the being served should be declared moot.

## **II. THE PLAINTIFF’S COMPLAINT IS TIME BARRED BY THE STATUTE OF LIMITATIONS.**

Plaintiff's decedent died on August 25, 2017. Plaintiff filed her Complaint against the defendants on August 22, 2019, within the two year Statute of Limitations. Since this case was an electronic filing, service of the Summons and Complaint to all defendants went out immediately. Thus Plaintiff met the statutory requirements of Ala. Code 6-5-482 which defendants contend she violated.

### **III. THE COMPLAINT IS DUE TO BE DISMISSED FOR WANT OF PROSECUTION PURSUANT TO ARCP 41(b).**

Defendants attempt to make another argument for dismissal by putting another twist on the same argument. This argument urges dismissal for want of prosecution. As stated above, this Court has broad discretion regarding dismissal on these grounds, and should deny the defendants argument for want of prosecution considering the above premises.

### **IV. THE COMPLAINT IS ALSO DUE TO BE DISMISSED FOR FAILURE TO COMPLY WITH ALA. CODE § 6-5-551.**

Defendants argument that Plaintiff's complaint against Dr. Lochridge does not state with specificity any claim against Dr Lochridge is due to be denied. Plaintiff's complaint provides sufficient detail to give Dr. Lochridge fair notice of Plaintiff's claims against him. Further, "pleadings are to be liberally construed in favor of the pleader." *Adkison v. Thompson*, 650 So.2d 859, 862 (Ala. 1994). See also Rule 8, Ala. R. Civ. P., Committee



Comments on 1973 Adoption ("Rule 8(f) [, Ala. R. Civ. P., ] ... provides that the pleadings are to be construed liberally in favor of the pleader.").

However Plaintiff will amend her complaint against Dr. Lochridge and provide him with additional details of her claims against him in accordance with Ala. Code § 6-5-551 should this Court so order. However, at this juncture, Defendant St. Vincent's Birmingham has objected to providing the Plaintiff with the information needed by the Plaintiff which would facilitate Plaintiff's alleging more detailed allegations against Dr. Lockridge as he requests. Additionally, St. Vincent's objections to Plaintiff's Requests for Production of Documents and not providing Plaintiff said information violates Ala. Code § 6-5-551 and should not be allowed by this Court.

**ANY CLAIMS MS. TOMBRELLA PURPORTS TO BRING IN  
AN INDIVIDUAL CAPACITY OR FOR WHICH SHE SEEKS  
COMPENSATORY DAMAGES ARE DUE TO BE DISMISSED.**

Plaintiff concedes this argument.

### **CONCLUSION**

For the above stated reasons, Defendants Stanley Lochridge, M.D. and Cardio-Thoracic Surgeons, P.C. Motion to Dismiss should be denied except as noted.

Respectfully submitted.

*s/Anthony Piazza*

Anthony Piazza (001)  
Attorney for Plaintiff  
Frances Ann Tombrella,  
Personal Representative of the  
Estate of Ronald Santo  
Tombrella, Deceased.

**OF COUNSEL:**

ANTHONY PIAZZA, P.C.  
P. O. Box 550217  
Birmingham, AL 35255  
Contact: PH (205) 617-6211  
[anthonypiazza0326@hotmail.com](mailto:anthonypiazza0326@hotmail.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing motion upon all parties or their attorneys of record via Alabama E-filing system or by placing a copy of same in the U.S. Mail, first-class, postage prepaid, on this the July 21, 2020 addressed as follows:

Patrick M. Shegon, Esq.  
Stephen P. Dees, Esq.  
184 Commerce Street  
Post Office Box 270  
Montgomery, Alabama 36101  
[pms@rushtonstakely.com](mailto:pms@rushtonstakely.com)  
[sdees@rsig.com](mailto:sdees@rsig.com)

George E. Newton, II, Esq.  
100 Brookwood Place,  
7<sup>th</sup> Floor Birmingham, Alabama, 35209  
[gen@starneslaw.com](mailto:gen@starneslaw.com)

*s/Anthony Piazza*

Anthony Piazza

# EXHIBIT G



ELECTRONICALLY FILED  
 11/15/2019 9:54 AM  
 01-CV-2019-903763.00  
 CIRCUIT COURT OF  
 JEFFERSON COUNTY, ALABAMA  
 JACQUELINE ANDERSON SMITH, CLERK

**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
 BIRMINGHAM DIVISION**

TOMBRELLA FRANCES, )  
 Plaintiff, )

V. ) Case No.: CV-2019-903763.00

LOCHRIDGE STANLEY, )  
 CARDIO-THORACIC SURGEONS, )  
 PC, )  
 ST. VINCENT'S BIRMINGHAM, )  
 MEHERG WALTER ET AL, )  
 Defendants. )

**ORDER**

MOTION TO WITHDRAW filed by BATES MARY ELLEN is hereby GRANTED.

**DONE this 15<sup>th</sup> day of November, 2019.**

/s/ CAROLE C. SMITHERMAN  
**CIRCUIT JUDGE**

# EXHIBIT H

**IN THE CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA**

**FRANCES ANN TOMBRELLA,  
Individually, and FRANCES ANN  
TOMBRELLA, IN HER CAPACITY  
AS SPECIAL ADMINISTRATRIX OF  
THE ESTATE OF RONALD SANTO  
TOMBRELLA, Deceased**

**PLAINTIFFS,**

**VS.**

**STANLEY LOCHRIDGE, M.D., an  
CARDIO-THORACIC  
SURGEONS, P.C.,  
ST. VINCENT'S BIRMINGHAM,  
WALTER B. MEHERG, R.N.,  
LAURA S. WAGNER, R.N.,  
JORDAN P. BERTRAM, R.N., et al.**

**DEFENDANTS.**

**CIVIL ACTION NO.  
CV-19-903763**

**NOTICE OF APPEARANCE**

COMES NOW Anthony Piazza of the law firm of Anthony Piazza,  
P.C. and notifies this Court and all parties of his appearance as counsel on  
behalf of the Plaintiffs, Frances Ann Tombrella, and Frances Ann  
Tombrella, in her capacity as Special Administratrix of the Estate of Ronald  
Santo Tombrella, Deceased, and request that all court notices, pleadings, and  
orders be sent to the undersigned counsel at the below-referenced address.

Respectfully submitted.

**s/Anthony Piazza**

Anthony Piazza (001)  
Attorney for Plaintiffs  
Frances Ann Tombrella, and  
Frances Ann Tombrella, in her  
capacity as Special  
Administratrix of the Estate of  
Ronald Santo Tombrella,  
Deceased.

**OF COUNSEL:**

ANTHONY PIAZZA, P.C.  
P. O. Box 550217  
Birmingham, AL 35255  
Contact: PH (205) 617-6211  
[anthonypiazza0326@hotmail.com](mailto:anthonypiazza0326@hotmail.com)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing motion upon all parties or their attorneys of record via Alabama E-filing system or by placing a copy of same in the U.S. Mail, first-class, postage prepaid, on this the February 8, 2020 addressed as follows:

Patrick M. Shegon, Esq.  
Stephen P. Dees, Esq.  
184 Commerce Street  
Post Office Box 270  
Montgomery, Alabama 36101  
[pms@rushtonstakely.com](mailto:pms@rushtonstakely.com)  
[sdees@rsjg.com](mailto:sdees@rsjg.com)

**s/Anthony Piazza**

Anthony Piazza

# EXHIBIT I



USPS TRACKING #



9590 9402 5374 9189 5671 63

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

**United States  
Postal Service**

• Sender: Please print your name, address, and ZIP+4® in this box•

JACQUELINE ANDERSON SMITH, CLERK  
JEFFERSON COUNTY CIRCUIT COURT  
CIVIL DIVISION - ROOM 400  
716 NO. RICHARD ARRINGTON BLVD  
BIRMINGHAM, ALABAMA 35203

FILED IN OFFICE  
CIRCUIT CIVIL DIVISION

**JUN 23 2020**

JACQUELINE ANDERSON SMITH  
CLERK



## SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

STANLEY LOCHRIDGE  
1880 WHITTEMORE ROAD  
JASPER, AL 35503



9590 9402 5374 9189 5671 63

## 2. Article Number (Transfer from service label)

7018 1830 0000 8675 3607

## COMPLETE THIS SECTION ON DELIVERY

A. Signature

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

JUN 22 2020

ALIAS  
DODI

903743 6+0

## 3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



# EXHIBIT J

USPS TRACKING #



9590 9402 5374 9189 5660 43

First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

United States  
Postal Service

FILED IN OFFICE  
CIRCUIT CIVIL DIVISION

JUN 24 2020

JACQUELINE ANDERSON SMITH  
CLERK

• Sender: Please print your name, address, and ZIP+4® in this box•

JACQUELINE ANDERSON SMITH, CLERK  
JEFFERSON COUNTY CIRCUIT COURT  
CIVIL DIVISION - ROOM 400  
716 NO. RICHARD ARRINGTON BLVD  
BIRMINGHAM, ALABAMA 35203





## SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

## 1. Article Addressed to:

CARDIO-THORACIC SURGEONS, PC  
 CARLTON RANDLEMAN, R. AGT  
 C/O 2704 20TH ST SO. #100  
 BIRMINGHAM, AL 35209



9590 9402 5374 9189 5660 43

## 2. Article Number (Transfer from service label)

7018 1830 0000 8675 3614

## COMPLETE THIS SECTION ON DELIVERY

## A. Signature

X

☐ Agent☒ Addressee

## B. Received by (Printed Name)

## C. Date of Delivery

6-22-20

## D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

ALIAS

Dooz

CV-7019-903763 SATC

## 3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☒ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery



# EXHIBIT K

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

FRANCES ANN TOMBRELLA,  
Individually, and FRANCES ANN  
TOMBRELLA, In her Capacity as Special  
Administratrix of the Estate of RONALD  
SANTO TOMBRELLA,

Plaintiff,

vs.

STANLEY LOCHRIDGE, M.D. CARDIO-  
THORACIC SURGEONS, P.C., et al.,

Defendant.

CV-2019-903763  
**Oral Argument Requested**

**MOTION TO DISMISS**

COME NOW the Defendants, Stanley Lochridge, MD and Cardio-Thoracic Surgeons, P.C., and move this Court to dismiss this action for the following separate and several grounds: (1) the Plaintiff failed to perfect service within the period of time required by ARCP 4(b), (2) the Plaintiff failed to commence the action within the required limitations period, (3) the Plaintiff has demonstrated a gross failure to prosecute, (4) the Plaintiff's Complaint fails to comply with the specificity requirements of ALA. CODE § 6-5-551, (5) the Plaintiff attempts to bring this action in an individual capacity and seeks compensatory damages in violation of ALA. CODE § 6-5-410. In support of this Motion, these Defendants state as follows:

**I. PROCEDURAL HISTORY**

1. The Plaintiff failed to perfect service in this case for over **270 days** from the time of filing her Complaint. This delay is months beyond the 120-day requirement for

service mandated by ARCP 4(b) and necessarily demonstrates a lack of intent to immediately serve the Defendants under the circumstances presented.

2. The Plaintiff filed her Complaint on August 22, 2019, bringing claims related to medical treatment her husband, Ronald Tombrella, received while a patient at St. Vincent's Hospital in August 2017. Service of process was apparently attempted by certified mail on August 23, 2019 but was not perfected.

3. AlaCourt reflects the Plaintiff made zero attempts to perfect service between her initial failed attempt on August 22, 2019 and May 2020. In other words, not only did the Plaintiff not perfect service within 120 days as required by ARCP 4(b), but she also: made no effort to do so at all after an initial failed attempt; made no showing of good cause for failure to serve; and made no effort to request an extension of that time within the prescribed period.

4. It appears the Plaintiff may now have belatedly served Defendants Lochridge and Cardio-Thoracic Surgeons, P.C. by certified mail in May 2020—9 months after filing the Complaint, 5 months beyond the deadline mandated by ARCP 4(b), and 9 months after the expiration of the two-year statute of limitations. Such belated service does not cure the deficiencies which are the basis of this motion.

## **II. THE PLAINTIFF FAILED TO PERFECT SERVICE WITHIN THE TIME MANDATED BY ARCP 4(b).**

The Plaintiff's Complaint is due to be dismissed for the additional ground that she failed to perfect service of process under Rule 4 of the Alabama Rules of Civil Procedure. Rule 4(b) provides the following:



If service of the Summons and Complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after at least 14 days' notice to the plaintiff, may dismiss the action without prejudice as to the defendant upon whom service was not made or direct that service be perfected within a specified; provided, however, that if the plaintiff shows good cause for the failure to serve the defendant, the court shall extend the time for service for an appropriate period.

ALA. R. CIV. P. 4(b). As clearly stated under Rule 4, the 120-day time period for perfecting service on the Defendants ran from the date of the filing of the Complaint (August 22, 2019) and expired on December 20, 2019.

The Plaintiff failed to perfect service for over 270 days, and there was no showing made of good cause as required by Alabama law to forgive this 9-month delay. For this reason alone, the Plaintiff's Complaint is due to be dismissed.

### **III. THE PLAINTIFF'S COMPLAINT IS TIME BARRED BY THE STATUTE OF LIMITATIONS.**

In addition to Plaintiff's noncompliance with Rule 4 and notwithstanding the filing of the Complaint on August 22, 2019, this lawsuit was also not timely commenced within the applicable two-year statute of limitations. *See* ALA. CODE § 6-5-410. The Plaintiff did not demonstrate a bona fide intent to immediately serve process on these Defendants as evidenced by the 9-month delay in service.

Under Alabama law, it is well established that "the mere filing of the complaint" does not constitute commencement of the action for purposes of the statute of limitations. *Ward v. Saben Appliance Co.*, 391 So. 2d 1030, 1032 (Ala. 1980); *see also*, e.g., *ENT Assoc.'s of Ala., P.A. v. Hoke*, 2016 WL 4585742, at \*4 (Ala. Sept. 2, 2016) ("[T]his Court has held that the filing of a complaint is not the sole factor in determining when an action

is ‘commenced.’”); *Ex parte E. Ala. Mental Health-Mental Retardation Bd., Inc.*, 939 So. 2d 1, 3 (Ala. 2006)); *Precise v. Edwards*, 60 So. 3d 228, 230-31 (Ala. 2010) (“The filing of a complaint commences an action for purposes of the Alabama Rules of Civil Procedure but does not ‘commence’ an action for purposes of satisfying the statute of limitations.”) (quoting *Pettibone Crane Co. v. Foster*, 485 So. 2d 712 (Ala. 1986); *Maxwell v. Spring Hill Coll.*, 628 So. 2d 335, 336 (Ala. 1993) (“This Court has held that the filing of a complaint, standing alone, does not commence an action for statute of limitations purposes.”). For statute of limitations purposes, “the complaint must be filed *and* there must *also* exist ‘a bona fide intent to have it immediately served.’” *Precise*, 60 So. 3d at 231 (emphasis in original).<sup>1</sup>

The Alabama Supreme Court has repeatedly held that claims are barred as untimely where, despite the fact that the complaint was filed prior to the deadline for filing a claim, the facts reflect the plaintiff failed to demonstrate the required bona fide intent to immediately serve the defendant. *See e.g.*, *Precise*, 60 So. 3d 228; *Dunnam*, 814 So. 2d 232; *Maxwell v. Spring Hill College*, 628 So. 2d 335 (Ala. 1993); *Latham*, 590 So. 2d 217; *Pettibone Crane Co.*, 485 So. 2d 712 (Ala. 1986). “To hold otherwise would permit a party to extend unilaterally the period of limitations . . . [and] would violate the fundamental

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<sup>1</sup> *See, e.g.*, *Mace v. Centel Business Sys.*, 549 So. 2d 70, 71 (Ala. 1989) (quoting *Ward v. Saben Appliance Co.*, 391 So. 2d 1030, 1035 (Ala. 1980)); *Latham v. Phillips*, 590 So. 2d 217, 218 (Ala. 1991) (“[T]he filing of a complaint, standing alone, does not commence an action. . . . Rather, the filing must be made with the intention of serving process upon the opposing party or parties.”); *Thompson v. E.A. Indus., Inc.*, 540 So. 2d 1362, 1363 (Ala. 1989) (“[T]wo elements are required in order to satisfy the Rule 3 filing requirements. . . . These are (1) the actual filing of an action with the appropriate court, and (2) the intention of having process served.”).

concept of repose found within every statute of limitations.” *Ward*, 391 So. 2d at 1035. The question of whether a bona fide intent existed at the time the complaint was filed must be determined by an objective standard. *ENT Assoc. ’s of Ala.*, 2016 WL 4585742. Indeed, Alabama law “indicate[s] that a delay in serving the defendant can show the lack of intent to have the defendant served.” *See Precise*, 60 So. 2d at 233.

Given the failure of the Plaintiff to demonstrate any meaningful follow-up on her obligation to timely perfect service, Plaintiff falls far short of demonstrating “all the tasks required to effectuate service.” Although one insufficient effort to perfect service was apparently made at the time of the filing of the Complaint, Plaintiff was on notice that effort failed as early as September 2019 yet did nothing. Rather than meeting her obligation under Rule 4, Plaintiff’s counsel apparently took no further action whatsoever with regard to service until January of 2020. An over **270 day delay** in perfecting service from the date of filing does **not** demonstrate an intent to “immediately” serve the Defendants, and indeed, demonstrates just the opposite. *See generally Ex parte East Alabama*, 939 So. 2d at 5 (recognizing that a delay of *two and one-half months* in perfecting service can serve as evidence of a lack of intent to immediately serve the summons and complaint). Accordingly, this matter is due to be dismissed as it was not properly commenced within the mandatory two-year limitations period established of ALA. CODE § 6-5-482.

#### **IV. THE COMPLAINT IS DUE TO BE DISMISSED FOR WANT OF PROSECUTION PURSUANT TO ARCP 41(b).**

Under Alabama law, the failure to serve process within a reasonable time is also grounds for dismissal for failure to prosecute.” *State v. Horton*, 373 So. 2d 1096, 1097

(Ala. 1979); *Hill v. Falletta*, 589 So. 2d 746, 747 (Ala. Civ. App. 1991). Under Rule 41(b) of the Alabama Rules of Civil Procedure, the Court may involuntarily dismiss an action “[f]or failure of the plaintiff to prosecute or to comply with these rules or any order of court.” “A trial court, pursuant to Rule 41(b), may dismiss *with prejudice* an action for failure to effect service after the 120-day window prescribed by Rule 4(b) has expired.” *See State Farm Fire & Casualty v. Smith*, 39 So. 3d 1172, 1176 (Ala. Civ. App. 2009) (citing *O'Rourke Bros. v. Nesbitt Burns, Inc.*, 201 F.3d 948, 953 (7th Cir. 2000) (“‘If the delay [in perfecting service] has been so long that it signifies failure to prosecute-or if the delay entails disobedience to an order to the court-then dismissal may be with prejudice under Rule 41(b).’”)); *see also Voltz v. Dyess*, 148 So. 3d 425, 427 (Ala. 2014) (failure to serve a defendant within a reasonable time “might warrant the involuntary dismissal for lack of service pursuant to Rule 41(b).”). A dismissal for failure to prosecute is “within the discretion and inherent power of the trial court.” *Burdeshaw v. White*, 585 So. 2d 842, 847 (Ala. 1991). “‘Failure to prosecute’ under the rule does not mean that the plaintiff must have taken any positive steps to delay the trial . . . . It is quite sufficient if [the plaintiff] does nothing, knowing that until something is done there will be no trial.” *State v. Horton*, 373 So. 2d 1096, 1097 (Ala. 1979). Dismissal with prejudice is appropriate where there is “a clear record of delay, willful default or contumacious conduct by the plaintiff.” *Burdeshaw*, 585 So. 2d at 847.

The passage of over 270 days between the filing of the Complaint and perfecting service demonstrates a significant delay without any justification which further warrants dismissal under Rule 41.

**V. THE COMPLAINT IS ALSO DUE TO BE DISMISSED FOR FAILURE TO COMPLY WITH ALA. CODE § 6-5-551.**

Alabama Code § 6-5-551 requires the plaintiff in a medical malpractice case brought pursuant to the AMLA to include in his or her complaint a “detailed specification and factual description of each act and omission alleged by plaintiff to render the healthcare provider liable to plaintiff.” This is a mandatory requirement, as the statute specifically states the plaintiff “shall” include the required detailed specification and factual description. If the complaint fails to include such a “detailed specification and factual description,” it is subject to dismissal for failure to state a claim upon which relief may be granted. See ALA. CODE § 6-5-551. The Alabama Supreme Court, in construing Alabama Code § 6-5-551, has instructed that “the plaintiff must give the defendant healthcare provider fair notice of the allegedly negligent act and must identify the time and place it occurred and resulting harm.” *Mikkelsen v. Salama*, 619 So. 2d 1382, 1384 (Ala. 1993) (emphasis added).

In the present case, the Plaintiff failed to plead any allegation regarding Dr. Lochridge’s care with the specificity required by Alabama Code § 6-5-551. Instead, the Plaintiff only includes vague and general allegations against the Defendants, *e.g.*, that Dr. Lochridge failed to “conduct a full and accurate assessment,” that he failed to “timely and properly diagnose [decedent’s] symptoms,” that he failed to “timely manage and/or treat [decedent’s] symptoms,” etc. At no point does the Plaintiff’s Complaint point to any specific act or omission she contends was a breach of the standard that caused Mr. Tombrella’s death, instead relying on vague assertions that had Dr. Lochridge provided

some unspecified “adequate, timely, and proper care,” Mr. Tombrella “would have received life-saving treatment.” This is insufficient under the provisions of § 6-5-551. Further, the Plaintiff failed to set forth the time and place of any of the vague acts or omissions plead against the separate and several defendants. As a result of the non-specific nature of the entire Complaint, Dr. Lochridge is simply left to speculate about when and exactly what treatment he rendered that is alleged to have constituted a breach of the standard of care, thereby unfairly depriving him of notice of what acts or omissions are alleged to constitute medical malpractice.

**VI. ANY CLAIMS MS. TOMBRELLA PURPORTS TO BRING IN AN INDIVIDUAL CAPACITY OR FOR WHICH SHE SEEKS COMEPNSSATORY DAMAGES ARE DUE TO BE DISMISSED.**

This is a wrongful death action brought pursuant to the statutory requirements of ALA. CODE § 6-5-410. The real party in interest is the Estate of Mr. Tombrella. Ms. Tombrella can bring no individual claims in this wrongful death case, and the Estate’s recoverable damages are limited to punitive damages. ALA. CODE § 6-5-410. Any claims for damages other than those recoverable by the Estate are due to be dismissed.

WHEREFORE, PREMISES CONSIDERED, these Defendants respectfully request that this Court enter an Order dismissing this action for insufficiency of service of process under Rule 4, enter a judgment in its favor for the Plaintiff’s failure to timely commence the action, and/or enter an Order dismissing the case for failure to prosecute under Alabama Rule of Civil Procedure 41(b) and for failure to comply with the mandates of ALA. CODE §§ 6-5-410, 6-5-551.

***Oral Argument Requested***

Respectfully submitted,

s/George E. Newton, II

George E. Newton, II (NEW049)  
Attorney for Stanley Lochridge, MD and  
Cardio-Thoracic Surgeons, P.C.

OF COUNSEL:  
STARNES DAVIS FLORIE LLP  
100 Brookwood Place, 7<sup>th</sup> Floor  
Birmingham, Alabama, 35209  
Phone: 205.868.6000  
Fax: 205.868.6099  
E-mail: [GEN@starneslaw.com](mailto:GEN@starneslaw.com)

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2020, I electronically filed the foregoing with the Clerk of the Court using the Alafile system, which will send electronic notification of such filing to the following:

Anthony Piazza, Esq.  
P. O. Box 550217  
Birmingham, AL 35255  
Contact: PH (205) 617-6211  
[anthonypiazza0326@hotmail.com](mailto:anthonypiazza0326@hotmail.com)

Patrick M. Shegon, Esq.  
Stephen P. Dees, Esq.  
RUSHTON, STAKELY, JOHNSTON  
& GARRETT, P.A.  
184 Commerce Street  
Montgomery, Alabama 36101  
[pms@rushtonstakely.com](mailto:pms@rushtonstakely.com)  
[sdees@rsjg.com](mailto:sdees@rsjg.com)

Respectfully submitted,

s/ George E. Newton, II

George E. Newton, II (NEW049)  
E-mail: [gen@starneslaw.com](mailto:gen@starneslaw.com)

# EXHIBIT L



**IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA  
BIRMINGHAM DIVISION**

LOCHRIDGE STANLEY,  
CARDIO-THORACIC SURGEONS,  
PC,  
ST. VINCENT'S BIRMINGHAM,  
MEHERG WALTER ET AL,  
Defendants.

)  
)  
)  
)  
)  
)  
)  
  
)  
)  
)

) Case No.: CV-2019-903763.00

**DONE this 21<sup>st</sup> day of July, 2021.**

**/s/ CAROLE C. SMITHERMAN**  
**CIRCUIT JUDGE**

# EXHIBIT M

FRANCES ANN TOMBRELLA,  
Individually, and FRANCES ANN  
TOMBRELLA, In her Capacity as Special  
Administratrix of the Estate of RONALD  
SANTO TOMBRELLA,

CV-2019-903763  
Honorable Carole Smitherman

**VS.**

STANLEY LOCHRIDGE, M.D., CARDIO-  
THORACIC SURGEONS, P.C., et al.,

## Defendants.

COME NOW Defendants, STANLEY LOCHRIDGE, MD and CARDIO-THORACIC SURGEONS, P.C., and respectfully request this Court reconsider and reverse its Order of July 21, 2021 (Doc. 271) denying these Defendants' Motion to Dismiss in light of the Plaintiff's continued failure to demonstrate anything even approaching good cause for not only the overall ten (10) month delay in perfecting service on these Defendants but the lack of *any* explanation for the continuing delay of over 120 days in perfecting service after the appearance of current counsel for the Plaintiff, all of which is in clear violation of ARCP 4(b) and deprives this Court of jurisdiction over these Defendants. Alternatively, these Defendants request this Court, pursuant to Rule 5(a) of the Alabama Rules of Appellate Procedure, certify the following controlling question of law presented to it to the Supreme Court of Alabama:

**Does this Court have jurisdiction over Defendants Stanley Lockridge, MD and Cardio-Thoracic Surgeons, PC, both of whom were not served for ten months after the filing of**

**the Complaint (August 22, 2019 filing/June 22, 2020 service), considering the 120-day service/showing of good cause requirements of ARCP 4(b) and in light of the undisputed facts that: (1) service on both Defendants was attempted at the outset of the case with no follow up or subsequent attempts at service until June of 2020; (2) there was no requested extension of time to perfect service by Plaintiff's prior or present counsel; (3) current counsel for the Plaintiff appeared on February 8, 2020 but service was not attempted again or perfected until June 22, 2020 – an additional 19 weeks/135 days from current counsel's entry of appearance in the case; and (4) in response to these Defendants' Motion to Dismiss, Plaintiff's current counsel's response to this Court was that the initial attempts at service by prior counsel failed due to unavailability and notice of a "wrong address." (Doc. 168)**

A proposed Order certifying this question to the Alabama Supreme Court pursuant to ARAP 5 is attached hereto as **Exhibit A**.

In support thereof, Defendants show as follows:

1. The Plaintiff filed her Complaint on August 22, 2019. (Doc. 2) Service on Dr. Lochridge was attempted in person at the office of Cardio-Thoracic Surgeons, P.C. but the deputy noted in October of 2019 an inability "to make contact." (Doc. 34) Service of process on Cardio-Thoracic Surgeons, P.C. was attempted by certified mail and returned on September 6, 2019 stamped "Return to Sender, No Such Number, Unable to Forward." (Doc. 12) As admitted in Plaintiff's Response to these Defendants' Motion to Dismiss, Plaintiff's prior counsel "did not make any further attempts to have [these] Defendants served before she was allowed to withdraw on November 15, 2019." (Doc. 168, p.5)

2. Current counsel for the Plaintiff entered an appearance on February 8, 2020. (Doc. 86) At that time, not only had more than 120 days already passed from the date of the filing of the Complaint, another 135 days passed before service was perfected on these

Defendants on June 22, 2020 – ten months to the day from the filing of the Complaint. There was never any request for an extension of time by either counsel for Plaintiff, and there were zero attempts at service between the initial failed attempts initiated in August 2019 and those in June of 2020. Thus, service was not perfected within 120 days from the filing of the complaint as required by Rule 4(b), service was also not perfected within 120 days of the appearance of new counsel.

3. After service in June of 2020, these Defendants filed a Motion to Dismiss raising the failure to perfect service in compliance with ARCP 4(b) and this Court’s lack of jurisdiction over them as a result of that failure. (Doc. 154) The Plaintiff filed a Response and gave a two-sentence explanation for the 10-month delay in service: “Plaintiff’s [former] counsel did not make any further attempts to have defendants served before she was allowed to withdraw on November 15, 2019. Further, the Secretary of State’s records indicated as late as May 2020 that said defendant Cardio-Thoracic’s registered agent’s address had not changed.” (Doc. 168, p. 5) In other words, the excuse given for the continued failure to attempt/perfect service for another 135 days on either Defendant was that: (1) prior counsel had simply, for no stated reason, not made any further attempts to serve either Defendant after learning that the online address for the P.C.’s registered agent was incorrect (with no mention of why that affected service on Dr. Lochridge), and (2) current counsel, when he appeared in the case, knew the online address for the P.C.’s registered agent used previously was incorrect so he did not attempt service again on the P.C.’s agent for over 120 days (again with no mention of why it took four months to find the correct address, why there was no request for an extension under Rule 4(b), or why an

incorrect address for the P.C.'s registered agent prevented service on Dr. Lochridge until June of 2020).

4. With all due respect, these Defendants urge this Court to consider the importance of the requirement under ARCP 4(b) that there be a showing of good cause for the failure to serve a defendant within 120 days and the well-established law in Alabama that “when service of process on a defendant is contested...the burden of proof is on the Plaintiff to prove service was performed legally.” *Slocumb Law Firm LLC v. Greenberger*, 2020 WL 4251659 (Ala. Civ. App. July 24, 2020). Strict compliance with the rules regarding service of process is required, and failure of proper service under the rules of civil procedure deprives a court of jurisdiction and renders its judgments void. *Johnson v. Hall*, 10 So. 3d 1031, 1036 (Ala. Civ. App. 2008).

5. Rule 5(a) of the Alabama Rules of Appellate Procedure allows a party to request permission to appeal from an interlocutory order when there is a controlling question of law upon which the trial court believes there is ground for difference of opinion, stating as follows:

A petition to appeal from an interlocutory order must contain a certification by the trial judge that, in the judge's opinion, the interlocutory order involves a controlling question of law as to which there is substantial ground for difference of opinion, that an immediate appeal from the order would materially advance the ultimate termination of the litigation, and that the appeal would avoid protracted and expensive litigation. The trial judge must include in the certification a statement of the controlling question of law.

Ala. R. App. P. 5(a). This seminal issue of the requirements of ARCP 4(b) and whether this Court has jurisdiction over these Defendants are undoubtedly controlling questions of

law. There is likewise no question that an immediate appeal and resolution of this issue has the potential to advance the ultimate termination of the litigation against these Defendants and to avoid protracted and expensive litigation against Defendants over whom it is asserted this Court does not have jurisdiction. Indeed, the Alabama Supreme Court has demonstrated a willingness to accept Rule 5 appeals involving issues of delay/timing of service under Rule 4. *See e.g., ENT Assoc. of Alabama, P.A. v. Hoke*, 223 So. 3d 209 (Ala. 2016).

6. With regard to timing for the requested certification, Rule 5(a) provides that "[t]he presumptively reasonable time for the trial judge to enter the certification required in subdivision (a) is within 28 days of the entry of the interlocutory order sought to be appealed." Ala. R. App. P. 5(a)(1). In this case, 28 days from this Court's July 21, 2021 Order falls on **August 18, 2021**, and these Defendants therefore respectfully request that this Court, should it agree to certify this question pursuant to Rule 5, do so on or before **August 18, 2021**.

WHEREFORE, premises considered, Defendants respectfully request this Court to reconsider and reverse its Order of July 21, 2021 (Doc. 271) or, certify the question addressed in that Order as posed herein to the Alabama Supreme Court for interlocutory review, in accordance with Rule 5 of the Alabama Rules of Appellate Procedure on or before **August 18, 2021**.

Respectfully submitted,

s/George E. Newton, II  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2021, I electronically filed the foregoing with the Clerk of the Court using the Alafile system, which will send electronic notification of such filing to the following:

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Respectfully submitted,

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